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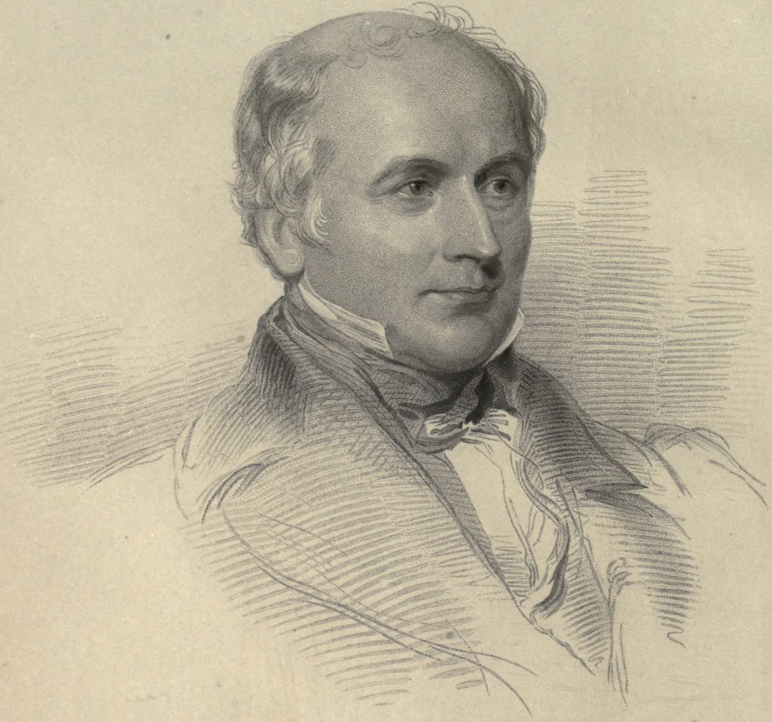

The Right Hon. Henry,

LORD LANGDALE.

ENGRAVED BY S. FREEMAN, FROM A DRAWING BY GEORGE RICHMOND.

London: Richard Bentley, 1852

MEMOIRS

OF THE

RIGHT HONOURABLE

HENRY LORD LANGDALE.

By THOMAS DUFFUS HARDY.

SUUM CUIQUE.

IN TWO VOLUMES.

VOL. I.

LONDON:
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Publisher in Ordinary to Her Majesty.
1852.

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> All my life long
> I have beheld with most respect, the man
> Who knew himself, and knew the ways before him,
> And from among them, chose considerately,
> With a clear foresight, not a blindfold courage;
> And having chosen, with a stedfast mind
> Pursued his purpose.
>
> *Philip Van Artevelde*, Act I. Sc. 10.

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PREFACE.

A MEMOIR of a man who did not mix in the turmoil of political life, can seldom be made interesting to the general reader; and in very few instances does the life of an Equity Judge, the Lord Chancellor excepted, present sufficient incident for the pen of the biographer. The following pages may not, therefore, prove interesting to those who expect the progress of the great to be marked by startling events. Lord Langdale's life presents none;—it was spent in the philosophic endeavour to amend the existing law, and in dispensing justice with an even hand.

Lord Langdale was not a conspicuous statesman, but he was a great Legal Reformer, and from the commencement of his career at the Bar he never ceased to work in the uninviting field of reformation. His labours may not have been so apparent as those of Bentham, but they have been useful and beneficial, and it may be stated, without fear of contradiction, that some of the most advantageous changes which recently have been made in the administration of justice in the kingdom have been the result of his exertions and suggestions. In connexion with his office of Master of the Rolls there is one branch of Law Reform—the Record Service—which, if Lord Langdale did not originate, he entirely made effective, and for which the public are eminently indebted to him. But even admitting that these circumstances do not justify a publication like the present, his claim to such a distinction might rest on his high moral worth and great integrity, for his whole life was untainted by the practice of those arts, by which some men become dishonourably great. He may serve as an example to men in general, but especially to those of his own profession, as an instance of success effected by a stedfast and persevering spirit, and a reliance on the power of industry and integrity. I could have wished, however, that the task of pourtraying the character of such a man had fallen into more competent hands; but I have done the best in my power, and if I have not excited the reader's sympathy, or made him interested in my subject, I unreservedly admit that the fault has been my want of power in biographical delineation.

There is one point in Lord Langdale's character which demands particular notice—his faculty of identifying himself with the object immediately engaging his attention. Each of his numerous occupations appeared to engross his mind so entirely as to leave him neither time nor thought for anything else.* Hence arose a multiplicity of correspondence on various subjects;† all written in his own hand, and bearing the impress of his mind. I have thought it necessary, in many instances, to print his letters in full, as the better mode of exhibiting how thoroughly he entered into the matter before him, and how well he was acquainted with the minutest of its details. Whenever it was possible to let him tell his own story I have done so, thereby hoping to give these volumes as much as possible the character of autobiography.

The most pleasing part of my task now remains to be performed, that of thanking those who have so kindly assisted me.

To the Lady Langdale, and the Honourable Miss Bickersteth, I am under the deepest obligations, for their unbounded confidence and liberality, in affording me unlimited access to the whole of Lord Langdale's letters, manuscripts, and papers, and for other valuable assistance.

My thanks are also especially due to the Lord Lyndhurst, the Lord Campbell, Sir Charles Trevelyan, K.C.B., Sir Charles Young, Garter, King of Arms,—Mr. G. W. Sanders, Mr. Edward Stanley, Mr. Cosmo Innes,

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* Besides his onerous judicial duties at the Rolls, he was one of the most active members of the Privy Council; Keeper-General of the Public Records; a Trustee of the British Museum; the Head of the Chancery Inquiry; Chief Commissioner of Registration, &c.

† One subject alone—the Public Records—produced upwards of one thousand letters, and the others in like proportion.

Mr. Panizzi, Dr. Alexander Henderson, Dr. Chapman, Professor Sedgwick, Mr. Richard Lambert, Mr. Robert Chambers, Mr. Matthew Bell, Mr. Edward Tyrrell, Mr. Edwin Chadwick, C.B., Mr. John Stuart Mill, Mr. Philip Martineau, Mr. Alfred J. Horwood, and many others, for their valuable communications and zealous and obliging aid.

CONTENTS OF THE FIRST VOLUME.

CHAPTER I.

PAGE

Birth of Henry Bickersteth.—His Brothers and Sisters.—Estimable Character of his Mother.—Early Traits.—Popular at School.—His High Principle.—Professor Sedgwick's Statement.—Mr. Dawson.—Letter to his Brother John.—Apprenticed to his Father.—Sent to London.—Memoir of his Uncle, Dr. Batty 1

CHAPTER II.

Letter to his Father.—His Mother's judicious Training.—Letter to her.—Dislike to Medical Practice, but conscientious pursuit of it.—His Religious Views 15

CHAPTER III.

Sent to finish his Medical Studies at Edinburgh.—His accounts of the various Professors.—Drs. Hope, Gregory, Duncan, the Monros, and Hamilton.—John Allen 28

CHAPTER IV.

His Life at Edinburgh.—Becomes a Member of the Royal Medical Society.—Letters to his Father and Brother.—Scottish Customs.—Further Notices of the Professors 46

CHAPTER V.

Appointed Clinical Clerk to Dr. Duncan.—Letters to his Father, his Brother, and Sister.—His Affection for them.—Criticisms on his

PAGE

Brother's Poetry.—His attachment to the Baconian Philosophy.—Letter to his Mother.—Return Home 60

CHAPTER VI.

Journal of a walking Tour through the English Lake District.—Philosophic Preparation.—Kendal.—Bowness.—Windermere.—Ambleside.—Langdale Pikes.—Red Scree.—The Happy Valley.—Patterdale.—Ullswater.—Dacre Castle.—Lodore.—Bowdar Stone.—Bassenthwaite.—Buttermere.—Mary of Buttermere.—Langstreth.—The Stake in Borrowdale.—Coniston.—A friendly Hostess.—Furness Fells.—Ulverstone.—Furness Abbey.—Reflections on its Desolation.—Return 80

CHAPTER VII.

Correspondence with Dr. Henderson.—Thesis on the Vital Principle 96

CHAPTER VIII.

Letter to Miss Batty.—Accident to his Mother.—Letters to Mr. Henderson and to John Bickersteth.—The Vis Medicatrix Naturæ . 110

CHAPTER IX.

Matriculation at Caius College, Cambridge.—Letters to Dr. Henderson and to John Bickersteth, describing his College Life.—Letters to his Sister 122

CHAPTER X.

Serious Illness.—Letter to his Mother.—Relapse.—Letters to Dr. Henderson.—Obtains the appointment of Travelling Physician to the Family of the Earl of Oxford.—Goes Abroad 148

CHAPTER XI.

State of Paris at the date of Mr. Bickersteth's visit.—Letters.—Personal Appearance of the First Consul.—Another account.—The National Museums 162

CHAPTER XII.

PAGE

Journey through France. — Mr. Bickersteth's courage and presence of mind.— Arrival at Pisa.— Letter from Florence.— Acquires the Italian and German Languages in a wonderfully short time . . 176

CHAPTER XIII.

Renewal of the War.—Detention of the English Travellers.—Generosity of the Queen of Etruria.—Lord Oxford's Family remove to Venice.—Spirited conduct of Mr. Bickersteth on the voyage.—Learns to manage a Gondola. —Use of the acquirement. —Accident to his cousin, Robert Batty.—Journey to Germany.—Dresden.—Letter to his Brother.—Return to England.—Letter to Dr. Henderson . . 187

CHAPTER XIV.

Letter to Dr. Henderson.—Power of analysis.— Illness of Lord Oxford.—Skill and attention of Mr. Bickersteth.—Letter to his Father. —Intimation of his dislike to his Profession 202

CHAPTER XV.

Determines to abandon the Medical Profession.—Has thoughts of the Army. — Returns to residence at Cambridge.— Letters to Dr. Henderson.— Little desirous of a Medical Degree.—Lord Melville.— Returns to Eywood.—Letter to his Father 215

CHAPTER XVI.

His Parents disapprove of his entering the Army.—His Letter on the subject.—The Project abandoned.— Return to Cambridge.—Dr. Chapman's statement.—Becomes Junior Fellow of his College.—Letter to his Father describing his College Life.—Professor Sedgwick's account of his Studies.— Reading Shakspeare and the Italian Poets his only recreation 224

CHAPTER XVII.

Becomes Senior Wrangler and Senior Smith's Prizeman.—His opponents.— Other eminent Judges who have obtained the same.—

CHAPTER XXX.

PAGE

Death of Sir John Leach.—The Lord Chancellor offers the post of Solicitor-General to Mr. Bickersteth.—Correspondence on the subject.—His interview with Lord Melbourne.—His reasons for declining the office.—Retirement of Lord Brougham.—Lord Lyndhurst again Chancellor 397

CHAPTER XXXI.

Solicited to become a candidate for the Borough of Mary-le-bone.—Declines.—His Memorandum on Pledges from Candidates.—Formation of the Melbourne Cabinet.—The Great Seal put in Commission.—Motives assigned.—Discontent of the public and the Profession.—Mr. Bickersteth's protest against the alteration in the hours of sittings of the Rolls Court 406

CHAPTER XXXII.

Mr. Bickersteth's Memorandum on the Court of Chancery, drawn up by him for Lord Melbourne 423

CHAPTER XXXIII.

Mr. Bickersteth's Marriage.—His Letter to his Brother.—Lord Melbourne wishes to bestow the Great Seal on Mr. Bickersteth. — Difficulties in the way.—Sir C. C. Pepys appointed.—The Mastership of the Rolls offered to Mr. Bickersteth.—Correspondence and interviews with Lord Melbourne.—His objection to the Union of Judicial and Political Offices.— Is willing to accept the Mastership without a Peerage.—Contrary Opinion of his Friends.—Generosity of Sir John Campbell.—Mr. Bickersteth takes office 444

CHAPTER XXXIV.

Mr. Bickersteth's disinterested conduct respecting the Rolls House.—Congratulations of his Friends.—Sketch of Mr. Mill.—Review of Mr. Bickersteth's practice. — His high integrity. — His opinion as to refusing Causes.— His industry.— A favourite at the Bar.— His self-sacrificing adherence to principle.—Interesting statement of his Clerk, Mr. Le Dieu.— Sketch by a Contemporary.—Is sworn of the Privy-Council.—Created Baron Langdale 456

MEMOIR

OF

HENRY LORD LANGDALE.

CHAPTER I.

BIRTH OF HENRY BICKERSTETH. — HIS BROTHERS AND SISTERS.— ESTIMABLE CHARACTER OF HIS MOTHER.—EARLY TRAITS.—POPULAR AT SCHOOL.—HIS HIGH PRINCIPLE.—PROFESSOR SEDGWICK'S STATEMENT.—MR. DAWSON.—LETTER TO HIS BROTHER JOHN.—APPRENTICED TO HIS FATHER.— SENT TO LONDON. — MEMOIR OF HIS UNCLE, DR. BATTY.

It is a matter of no slight difficulty to attain to any of the higher stations in the British empire without the influence of high birth or elevated rank. The architect of his own fortune must possess no ordinary talent; he must have the genius to invent, the energy to pursue, and the power to execute his design.

There are many roads to the Temple of Fame, but some are so crowded with difficulties that few succeed in reaching the goal; and none are more dull, tedious, and uninviting than that of jurisprudence; for, perhaps, there are more requirements and self-sacrifices necessary to gain eminence in the law than in any other science.

Among those who have distinguished themselves in the science of jurisprudence, Lord Langdale occupies a conspicuous place. His energy of character, his clearness of intellect, his persevering labour, combined with spotless integrity of spirit, elevated him to the high rank he held in his profession. He commenced his legal career without a single friend or connexion who could help his advancement, and with a disposition little inclined to push his own claims: and it is not a little remarkable that he should have acquired the eminent position of the Master of the Rolls without ascending any of those grades in his profession which usually lead to the chief official dignities of the realm. Nor does political influence appear to have served him in obtaining his rank, for he never was a member of the House of Commons, and could not therefore have assisted the government by his eloquence or support; indeed it is well known that he entertained views in politics decidedly adverse to both the ruling parties of his time.

He was raised to the peerage contrary to his own inclination, and accepted it only in deference to the opinion of several of his friends (the late Mr. James Mill, Mr. Bell, and Mr. Sutton Sharpe * especially),

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* Sutton Sharpe was the eldest of the five sons of Sutton Sharpe, of Bridge Street, Blackfriars, and subsequently of Nottingham Place, by a sister of Mr. Rogers, the poet. He was called to the bar by the Hon. Society of the Middle Temple, 21st of June, 1822, and adopted the equity side of the courts. He had for many years an extensive chamber practice, and was considered one of the most

who thought he would thereby be enabled to promote more effectually the cause of law reform. He made it, however, an express condition, when he consented to take a seat in the House of Lords, that he should be perfectly independent of party ties; his great ambition was to reform the abuses of his profession, and for that he chiefly laboured. On his own advancement he never bestowed a thought; had self-interest been his object, he would have profited by those defects which he strove to correct. His merits, however, were justly estimated by the prime minister and cabinet of England, who selected him, "from their knowledge of his deep sense of the primary importance to the community of the due administration of justice, and their conviction of his anxiety to remove errors, and supply defects."*

experienced Chancery draughtsmen. The honour of a silk gown was conferred upon him in Michaelmas Term, 1841.

Mr. Sharpe some time ago had a paralytic attack, but it was believed by his friends that he was in a fair way of recovery. His death was much lamented in Paris as well as in London; for there were many men in the French capital, distinguished in science, literature, or politics, with whom he was on relations of intimacy. At the bar he was held in the very highest estimation for his many excellent qualities, and no man was a more general favourite in society. In politics, Mr. Sutton Sharpe was a decided Liberal, but such was the amenity of his manners, that even in the times when politics ran highest in the country, as during the period of the Reform Bill, his stout assertion of his principles never lost him a friend.

* Mr. Bickersteth, as will be hereafter seen, at the request of the late Lord Melbourne, had submitted to the cabinet his plan of dividing the office of chancellor, and though it was highly approved by Lord Melbourne, yet that of Lord Chancellor Cottenham, though it was not so desirable or effective, was nevertheless adopted, because he would support no other plan but his own.

Henry Bickersteth, Baron Langdale of Langdale in the county of Westmoreland, Master of the Rolls, a Privy Councillor, and Keeper General of the Public Records, was born at Kirkby Lonsdale on the 18th of June, 1783, and was the third son of Mr. Henry Bickersteth,* of that place, by Elizabeth, daughter of Mr. John Batty, also of Kirkby Lonsdale.

His father was a surgeon, or general practitioner, of considerable local repute, and was the author of a work entitled, "Medical Hints for the use of Clergymen." His mother was highly gifted, and far in advance of the age she lived in. She was one of those few women of the period who understood, and strictly practised, the rule of right and wrong. She endeavoured to infuse into the minds of her children, those pure moral and religious principles which imbued her own;

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* Mr. Bickersteth had five sons and two daughters; his eldest son, James, went to sea in the year 1796, and died abroad—at least his family never had tidings of him after his departure from England. John, his second, was originally a clerk in the General Post-office, in London, and afterwards studied at Trinity College, Cambridge, for the church. He is now, and has been for many years, rector of Sapcote. Henry, the third son, is the subject of the present memoir. Edward, the fourth, also commenced life in the General Post-office, but afterwards was articled to a solicitor, and practised in that profession some years. Having an enthusiastically religious turn of mind, he quitted the law, and obtained ordination without going to college. His life has been written by his son-in-law, the Rev. T. R. Birks. Robert, the youngest son, was brought up to the same profession as his father, and has acquired a considerable reputation at Liverpool, where he still practises. The eldest daughter, Mary Anna, married the Rev. J. Cooper, rector of Coppenhall; and his youngest, Charlotte, became the wife of the Rev. R. Mayor, who was for many years a missionary in Ceylon.

and it was from her, principally, that the subject of the present memoir first acquired those exalted feelings, that pervaded every thought and action of his life,—she knew that early education forms the basis of character, and that the good or evil seed that is sown in the breast of the child, will grow up with its growth, and bear fruits in the acts of its manhood, and therefore she carefully trained her children from infancy in the right way.

Her son Henry was accustomed to say, "that if the whole world were put into one scale, and his mother into the other, the world would kick the beam." His veneration and tender love of his mother was a marked feature of his youth, and many little anecdotes connected therewith, are recorded in the memory of his family.

The following illustrates the probity and conscientiousness of her character.

As Henry and his brother John, when mere children, were returning one evening from a visit to their grandmother, they found in the road a large log of wood, which they dragged home with considerable difficulty, thinking it would make an excellent plaything.

"Where did you get it?" asked their mother, as they triumphantly showed her their prize.

"We found it in the road," was the reply.

"Then it is not yours," she said, "so you must take it back again, and replace it where you found it."

This lesson was never forgotten; Lord Langdale often related it in after years, and it probably passed through his mind when he adopted the significant and appropriate motto "Suum cuique."

One peculiarity of disposition manifested itself early in life. He never cared how much labour or anxiety it cost him, to please or assist his companions; but he would never trouble another to help them: this trait became a striking feature in his character as a man,—for though he would cheerfully undergo any personal inconvenience or trouble for the benefit of his friends, yet he was never known to ask a favour in their behalf. His disinclination to do so has been frequently and unjustly urged against him, and attributed to a lukewarm nature, and indifference to the claims of friendship; but, in truth, it arose from the most delicate and conscientious spirit; he knew that every man had his individual friends to serve, and he shrank from intruding on patronage that was not his own; so strong was his feeling upon this subject, that he would as soon have encroached upon a man's purse, as his patronage. If he was averse from asking favours for his friends, he had a still greater objection to ask for himself. It is greatly to be deplored that sentiments similar to his are not more general: if men were more scrupulous in preferring requests, their friends would be spared the pain of refusing. "Where is the good of having friends if we cannot make use of them?" some may inquire; to such it may be answered,—ask your friend for what it is in his power to give; but you have no right to impose upon him the humiliating task of petitioning another.

Trifling occurrences are often indicative of strong affections; a little incident which happened when he was quite a boy, shows his thoughtful love and reverence to his grandmother. He often used to visit her at Burton in Kendal, and one day, being there, as he persisted in going out, though the weather was cold and stormy, the old lady shut the door upon him, saying, "Henry, you make me tremble;" very soon afterwards he came back, and opening the door gently said, "Do you tremble now, grandmother?" and complied with her wish to remain at home.

He was educated at the free grammar-school of his native place, under the tuition of the Rev. John Dobson. There is some tradition that he studied mathematics under Mr. Dawson at Sedbergh, which his brother, the Rev. John Bickersteth, rector of Sapcote, partially confirms. "To the best of my recollection," says Mr. Bickersteth, "my lamented brother, Langdale, before he went to Cambridge, received some mathematical instruction from Mr. Dawson at Sedbergh; and had passed through the usual tuition at the Grammar School, Kirkby Lonsdale, under the Rev. John Dobson." Professor Sedgwick, however, has no remembrance of it.—"Henry Bickersteth," he writes, "never, so far as I know, read mathematics with Mr. Dawson of Sedbergh. I was at the Grammar School of Sedbergh from 1801* to the autumn of 1804, when I went to college. During two or three short school vacations I read with Mr. Dawson, and so did Dr. Bland. We knew all Mr. Dawson's pupils, at least by name; and I am certain that during those years Henry Bickersteth was not one of the number. I am also certain that he never read with Mr. Dawson during the time of our undergraduateship. But he did at one time go over to Sedbergh to receive private classical lessons from Mr. Stevens, Master of the Grammar School; but this was unknown to me while I was a schoolboy: neither do I know the year in which he paid his occasional visits to Mr. Stevens; for I never remember his alluding to the subject after I became acquainted with him. I knew Mr. Dawson from my earliest childhood till the time of his death. He was a man of great simplicity of character, a great mathematician, and a profound self-taught philosopher. He had many Cambridge pupils during the long vacation; among them counted ten or eleven senior wranglers, but Lord Langdale was not one of the number, but I do not think that I have anything to tell of him that could be directly or indirectly connected with the life of Lord Langdale."

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* Henry Bickersteth went to Edinburgh in 1801: consequently, if he ever was a pupil of Mr. Dawson, it must have been before Professor Sedgwick's time.

Of Henry Bickersteth's school days but few reminiscences are preserved. He was what is commonly called a popular boy; and though he was always diligent in his studies, and exact in his duties, yet he generally found time to enter into all the games and sports of his schoolmates; one of his favourite summer amusements was bathing in the picturesque river Lune, and he became so expert and daring a swimmer that more than one boy was indebted to him for his life.

In after life he used to talk of his school days, "when foot-ball was a favourite game, and often gave occasion to broken shins. At the end of the field where they played foot-ball was a railing, and on the other side of the railing was a precipitous descent to the river," and he said, "to see the way the boys jumped over the railing and rolled down the descent after the ball was astonishing."

One only of his school letters has been preserved; it was written when he was fourteen years old, and addressed to his brother John, then a clerk in the General Post-office of London, but who afterwards entered holy orders. It runs thus:—

Kirkby Lonsdale, *July 5th*, 1797.

"My dear John,

"I ought to blame myself for not having satisfied your wonder what I should have to *spout* before now. As to *spouting* I had none, but then I had something far worse. I had one of Martial's 'Epigrams' to translate into English verse, which I thought was enough, of conscience; but, however, Mr. Dobson thought otherwise, and so soon as that was finished he set me a paper out of the 'Elegant Extracts,' to translate into Latin, which when I had done I was so much gratified with having finished my exercise, that I for awhile forgot they were to be shown before the governors of the school, but it was only for awhile. The time passed on, the day came, and we were all to go to school at ten o'clock, and those who had repetitions to say had to repeat them before the usher. As soon as they had all done, the time when the governors were to come grew so near that thought became dreadful to the boys, and they all started up as if with one common consent, and began shouting, singing, and rattling against the seats, which altogether made a noise that was sufficient to drown all thought. At last, however, the gentlemen were seen coming down the yard, and all was quiet in a moment. They came into the school, sat down, and the exercises of the first class were called for. *Then* the suspense was terrible, but much more so, when I heard Dr. Barrow, who was there, say, 'This is best.' I did not know which he meant. After this the boys said their repetitions: when they had all done we were sent into the yard whilst the determinations were to be made. They began at the lowest, and proceeded upwards to the head, when the prize was adjudged to me. As the books were not ordered, the successful boys had every one a ticket given them, which was to entitle them to reward when the books came. I know you like this *tittle tattle*, or I should not have written it. I hope you did not forget I was to enter into the shop on the 24th of June.

My dear John, your ever affectionate,

H. BICKERSTETH.

Pray write often to one or other, your letters are always so pleasant."

He left school in the year 1797, and was apprenticed to his father, who had decided that he should be brought up to the medical profession, or, as he terms it, "enter the shop." After remaining at home a little more than a twelvemonth, his father sent him to London, to finish his medical studies, for he felt that parents were bound to give their sons every possible advantage in the profession or business for which they are destined ; and he used often to say, "Remember, boys, I shall not be able to leave you much worldly wealth, but I can give you a good education." Accordingly, Henry Bickersteth was sent to London in the autumn of 1798, to his maternal uncle, Dr. Batty, for the purpose of walking the hospitals and qualifying himself for his profession.

Robert Batty, the maternal uncle of Henry Bickersteth, was the eldest son of Mr. John Batty, a farmer, residing at Kirkby Lonsdale, and was born at that place on the 14th December, 1761.

At an early age he was sent to Kirkby Lonsdale grammar school, which was, at that time, one of the leading seminaries of the North of England, and was kept by the Rev. Mr. Wilson. It was during this period of his life, that he first became acquainted with John Bell, who was one of his fellow-pupils, and who was, in after life, known as the highly eminent Chancery Barrister and King's Counsel, and the acquaintance thus formed ripened into a friendship, which continued without interruption down to the period of the death of the latter.

At about the age of sixteen, Robert Batty, having formed a strong inclination to the pursuit of medicine, was placed as a pupil with his brother-in-law, Mr. Bickersteth, then practising as a surgeon at Kirkby Lonsdale.

On leaving Mr. Bickersteth, and quitting his native place, Mr. Batty proceeded to Edinburgh, where he continued for some time for the purpose of completing his medical studies. On leaving Edinburgh, he went to London, and there having accidentally become acquainted with Sir Richard Jebb, at that time one of the most eminent of the London Physicians, he was selected by the latter, as the medical attendant on one of his patients who was suffering from a dangerous malady, and who had been recommended to make a tour in Italy for the benefit of his health. Mr. Batty accordingly proceeded with his patient to Italy, and after remaining in that country for some time returned to London, and took up his residence in Great Marlborough Street, where he established himself in practice as a surgeon and apothecary.

In the year 1800, Mr. Batty gave up his business as a surgeon and apothecary and became a Licentiate in Midwifery of the College of Physicians, soon after which he was elected one of the Physicians of the Brownlow Street Hospital. In the year 1805 he became a general Licentiate, and from this period his practice gradually continued to increase, until the year 1822, when he had attained to a position of considerable eminence as a London Physician. It was in this latter year, however, that he was suddenly attacked by a dangerous illness, which lasted for so long a period, and for the time had so serious an effect on his health and constitution, as to induce him to quit altogether the profession in which he had attained to so much eminence, and retire into the country.

On giving up his practice and leaving London, Dr.

Batty took up his abode at Fairlight Lodge, near Hastings, being a small property which he had purchased as a summer residence for his family, many years before. It was at this beautiful spot, of which he became passionately fond, that Dr. Batty continued to reside down to the period of his death, which took place on the 16th Nov. 1849, when he had nearly completed his eighty-seventh year. Dr. Batty was married to Anne, the eldest daughter of Daniel Braithwaite, Esq., formerly Comptroller of the Foreign department of the Post Office, by whom he had two sons and one daughter. The elder of the sons, John, died in his early youth in the West Indies. The second son, Robert, was originally intended for the medical profession, but having conceived a strong predilection for a military life, he obtained a commission in the Grenadier Guards, and served during the latter part of the Peninsular War, and also at the Battle of Waterloo. He afterwards attained to the rank of Lieutenant-Colonel in the army, and was distinguished as the author of "The Campaign in 1815," "The Campaign in the Western Pyrenees," besides several other popular works, which he illustrated with his own drawings. He died about a year before his father. Dr. Batty's only daughter, who still survives, became the wife of Mr. Philip Martineau, now one of the Taxing Masters of the Court of Chancery.

Dr. Batty then resided in Great Marlborough Street, Oxford Street, and with him young Bickersteth, then in his sixteenth year, took up his abode, and became a student at the anatomical school in Great Windmill

Street, at that time under the direction of Mr. Wilson, as teacher of anatomy, Mr. Thomas being the demonstrator. Under these gentlemen he prosecuted with considerable zeal his medical and anatomical studies.*

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* Young Bickersteth, with a few medical fellow-students, formed themselves into an anatomical club, the object of which was to give demonstrations of parts of the human body, each member choosing a subject in his turn, a discussion usually followed each demonstration. The members of the club were Mr. (afterwards Dr.) James Johnson, Mr. M'Cormack, two brothers of the name of Jones, Mr. Caddell, Mr. Bacot (to whose kindness I am indebted for this information), Mr. Bickersteth, and two other members, whose names Mr. Bacot does not recollect.

If young Bickersteth attended any London Hospital, it would most certainly have been St. George's; but Mr. Tatum, one of its present surgeons, has been so good as to look over the register of the pupils at the time it might have been expected that Mr. Bickersteth would have attended hospital practice, and his name does not appear on the list. I take this opportunity of publicly acknowledging my obligation to Edward Stanley, Esq., for the great trouble he has taken in obtaining for me the information from Mr. Bacot and Mr. Tatum.

CHAPTER II.

LETTER TO HIS FATHER.—HIS MOTHER'S JUDICIOUS TRAINING.—LETTER TO HER. — DISLIKE TO MEDICAL PRACTICE, BUT CONSCIENTIOUS PURSUIT OF IT.—HIS RELIGIOUS VIEWS.

It now became desirable for his future welfare that he should determine for himself, which branch of the profession he intended to pursue, and his father, it seems, frequently urged the matter on his consideration, but he had not succeeded in obtaining a decided answer on the subject. At last, on the 22nd of April, 1800, he writes as follows:—

London, Great Marlbro' Street, *April* 22*nd*, 1800.

"How could my dearest father ever suppose that I disliked to write to him? and how could he doubt that I felt pleasure in conversing with him? Be assured that whatever the appearance of neglect has been, I have had the subject of your last letter in my mind ever since I received it; my uncle having very kindly answered that part of it which concerns my immediate destination, and the melancholy event which has since taken place, have been reasons for my delaying to write longer than I intended; and now, when I have begun my letter, I feel it almost impossible to answer what you have proposed.

Your goodness has frequently desired me to determine for myself what mode of practising the business of my profession I would pursue. The independence of determination which you have thus given me, has made me wish the more for your guidance; when I look for determination within myself, I feel no certainty. I look into future time without having the experience of former events to assist me. I range far into the wide fields of imagination and feel piqued when I am obliged to consider the demolition of my aerial castles; every time I reflect on the subject I am further convinced that I must have more experience before I can determine anything. Whilst I was with you my occupations and connexions were necessarily of an inferior kind. My age, well known, and my ability rendered me incapable of anything better. Since I came to town the case is much altered; my appearance (fortunately for myself) making me seem much older than I really am, and an expansion of knowledge, arising from great opportunities, have made me feel the pleasure of superior employment. These circumstances have rendered me, perhaps, unjustly partial to living in town. Thoroughly convinced of the pleasure conveyed to my mind by gaining information, I have sometimes wished that I might always live where I might have constant opportunities of doing this; other ideas, however, have intervened; I have wished for Kirkby, the place where my ideas all originated, where I should be surrounded by my friends, and where I should be sure of social friendship and domestic comfort.

It must I think occur to you that these considerations ought to occupy my mind a long time hence. My want of experience totally incapacitates me from judging as I ought. What I have already said has been drawn from me by your letter. Whatever may be my destiny, I could always wish my parents to be its rulers; fully sensible of the many reasons why a young man cannot be the judge of the wild freaks of his own imagination, and in my own instance well knowing the very peculiar advantages I possess in such worthy and affectionate parents, I should feel mad in saying for myself, 'Such a life, and no other will I lead.' For these reasons, then, I could wish at present to decline attempting a determination which I am incapable of making. Whatever yours and my mother's may be, it is mine. Perhaps you may think I am the best judge of my own character, consequently, of the best means of adapting my situation to it. I feel well enough that I am one of those who wish to leap into celebrity and honours all at once. I have, nevertheless, the common sense to know that such precipitation is impossible; these considerations, then, only afford another reason why I can determine nothing.

Uncle has most kindly given me a residence some time longer.

I flatter myself no day passes without learning something; and I am certain, if I was to leave town at present, I should lose opportunities which would be for ever irretrievable. I will now quit the subject, and hope you will consider what I have said as the candid avowal of what I feel, and what I thought it my duty to write in answer to what you have so generously put to my own determination. I am extremely sorry that my dear mother's health should have suffered from confinement, and most sincerely hope it will soon be restored. As you desired, I have got a suit of mourning, the expense of which, including stockings, &c., six pounds.

Give my best love to my dearest mother, my brothers, sisters, cousins, &c., and believe me ever

Your very grateful, dutiful, and affectionate son,

HENRY BICKERSTETH.

P.S. Some time ago I sent you some cow-pox matter; did you receive it, and did it succeed? if not, I hope to be able to send you a larger quantity soon."

From the sentiments expressed in the following letter it is evident that his mother's precepts had made an indelible impression on his mind; he had been brought up in love rather than in fear, and the highest reward he ever desired from her was a smile of approbation — that gentle praise which speaks more eloquently than many chosen words—for Mrs. Bickersteth was not one of those thoughtless parents who pour into their children's ear the noxious dram of praise, which taints the moral feelings and drugs the mind with the intoxicating draught of pleasure; she knew that no word was ever spoken to a child which did not leave an impression for good or evil. Whatever she enjoined was as a duty; no wonder then that her son grew up a strict moral disciplinarian, and never acted without first asking himself whether he could approve such an action in another. When the heart is asked so simple a question, and returns an honest answer, it is impossible for the head to go very far astray; for the great ingredient in man's happiness is the approval of his own conscience.

London, Great Marlborough Street, August 21st, 1800.

" My dearest Mother,

" Whilst I have been for a long time wishing for a letter from you, I am afraid I have overlooked a great cause of my not receiving one—*viz.*, a failure in my writing to you. If this has been the case, I hope that this short letter may serve to remove it. First, I must give you my thanks for the supply of linen you have sent me; it was, indeed, seasonable, as that which I had before was completely worn out. I am still obliged to solicit some night-caps. I am extremely sorry to be thus troublesome to you, but I hope the time may come when I shall be able to say that I have in some small degree deserved the many cares and anxieties I have cost you, at least no effort shall be lost to attain this end. There are two objects (virtue and ability) constantly before my eyes; if I attain them I know myself sure of your approbation, in the possession of which I shall be happy, and without which I should be miserable, so that if selfish gratification was the only cause, I should proceed in my grand object. A more powerful cause, however, employs its influence upon my mind — a desire of doing good, which cannot operate without ability, cannot have effect without virtue.

I am much grieved that your health is not yet established. I hear of your bathing in a tub—is this the best way? If I might venture to recommend a variation of my father's plan, it should be that instead of getting into a tub full of water, by which means the shock is gradual and partial, you should get into an empty tub, and have three or four buckets of water suddenly poured over your head. This would render the shock greater, and, perhaps, the effect would be more salutary; your feelings and my father are the best judges how far it would be likely to be better. I am glad to hear of your being able to ride on horseback without inconvenience, and I hope you will be much benefited by it. I have told you that I was much pleased with Mary Anna's letter; if it was entirely her own, it was, I think, extremely clever indeed. It has made me at times anticipate, almost with transport, the pleasure I may enjoy in her company. I intend to write to Edward and Robert, and as my letters may, perhaps, cost me some reflection, I am sure you will excuse my concluding here.

I am, most truly and affectionately,
Your very dutiful and grateful son,
HENRY BICKERSTETH."

His letter to his father in the following December shows many traits of character in the youth, which became marked features in the man. "I had much rather wear a shabby coat," he says, "than abridge myself of anything which conduces to my instruction." And even when he had risen to his lofty station, his pleasures, though simple and elevating, were always subservient to his duties.

He exhibits in this letter the first trace of a distaste to the medical profession, or rather to the *practice* as distinguished from the *science* which seems to have daily increased, and yet it never once prevented him from giving his whole mind to the pursuit of that particular knowledge which he felt bound to acquire.

London, Great Marlborough Street, Dec. 29th, 1800.

"My dearest Father,

"I received your letter too late to be able to answer it as I wished on Saturday. I thank you for the bill it contained, but should be truly sorry if by sending it to me you put yourself to any inconvenience. I think I mentioned to you in my last letter that my clothes were almost worn out, but never mind that, for they may serve some time longer, and I had much rather wear a shabby coat than abridge myself of anything which conduces to my instruction.

I lose no opportunity of performing operations upon the dead subject, and hope that before I return to you I shall be able to handle my knife dexterously, although reluctantly, for the necessity of performing operations is certainly (according to the opinion of some surgical authors which I have read) *an opprobrium upon the profession.* You tell me that Robert is anxious to enter the shop, and you ask me what I think of it. This question necessarily involves my own opinion of the profession, which as you thus call on me, I will candidly state to you. With regard to the degree of pleasure or inconvenience which is felt in the practice, I must own that, as far as I have been able to observe, the satisfaction which is felt on the recovery of a patient is by no means equal to the anxiety, nay even misery, which a feeling mind may have previously experienced during his sickness; but this disproportion between the pleasure and inconvenience appears nothing when we have added to the latter, the inconvenient hours at which a medical man is liable to be called, the danger of catching infectious diseases (although it be small), inadequate payment, the difficulty of rising to any eminence in the profession, the almost perpetual quarrels and jealousy of the professors, who frequently possess pedantry and self-sufficiency in proportion to their ignorance and want of experience, and many other circumstances which need not be detailed to you. These are inconveniences attending the *practice*, which, in this light, appears truly odious and abominable—but when we look on the sensations which are felt on the *possession* of medical knowledge, a brighter prospect rises to our view. The knowledge of anatomy, and of the functions of the animal machine, must surely convey a pleasure to the mind of the possessor, which can be given by nothing else, and when we join to this the art of preserving health, and of *preventing* diseases, we shall possess that knowledge which is most useful to mankind. It fortunately happens that these last pleasures may be possessed without the former evils—for what reason can be given why a man should not be an excellent anatomist, and an excellent physiologist, without being either a physician or a surgeon? He may learn the most important part of the profession, *viz.:* the art of preserving health, without what is called, belonging to it—if he does belong to it, it is his interest that this part of it should be buried in oblivion, and happy would it be for mankind if there were no *medical* enemies to *prophylactic* medicine.

Before Robert enters on the profession, ask him if he could endure to have it said that he *killed* his patient, after he had been taking every proper pains, and using every proper endeavour to save him; or to receive the praise of having saved his life, when he was conscious of having used measures directly opposite to those which would have been right. If he answers these questions in the affirmative, he has prepared his mind to practise medicine. Ask him if he can bear the idea of being chained down to his business every moment of his life, not an instant of time belonging to himself, not an hour in which several lives are not in absolute dependence on the clearness of his intellect, and the acuteness of his penetration. These are difficulties which I am sure can never be felt till they are experienced, consequently they will not be felt by Robert, but in your example he may form some idea of them, sufficient, I should think, to make him consider well, what he is about. In hardly any other profession are more than seven or eight hours of the day required. In usual times, my brother John is only employed five hours at his office. How comfortable is this! and how much time is left for the pursuit of useful and entertaining knowledge. I think that everyone, whatever may be his trade or his profession, ought to learn anatomy, and how to preserve his own, and teach his neighbours to preserve their health—but let him weigh the matter well, before he gives himself up to the practice of medicine. You will say that my opinions are altered. I grant it, for I don't know how it should be otherwise; but this alteration in my opinion shall make no alteration in my conduct. I consider medicine, when properly managed, a blessing to the human race, and that a physician of skill and experience is its benefactor—while one of contrary character is its curse. With these ideas it is impossible for me to be idle, my pleasures at present consist in my *hopes of being able* to do good in future, and in time I hope to receive pleasure from the *actual dispensation of health.* Speaking for myself alone, I should be exceedingly glad that Robert did begin to study medicine, nothing could give me greater satisfaction than to have my brother engaged in the same profession with myself—the same desires, the same interests, and the same means of information would doubtless be gratifying and useful to us both; but let him not venture rashly, and imagine that because he likes beating the mortar, he will like all the rest.

I am very glad to hear that Mary Anna is such a nice girl. I hope she is clever both at her books and at her needle—at the former I am sure she is, if she always writes such letters as the last she sent to me. Is it asking too much, to beg her to write another before she returns to Kendal?

Give my best love to my dearest mother, my brother, sisters, cousin, &c., and believe me to be always

Your very dutiful and affectionate son,

H—— B——."

Lord Langdale was subjected to much misconstruction all his life long on the subject of religion, of which his sense was both too deep and too exalted for the common opinions of the age: a religious feeling pervaded all his thoughts and actions, but, like many other of his feelings, it was not generally understood, for he was reserved, perhaps to excess, and shunned every sort of demonstration.

He has thus been represented as a man destitute of religious feeling; but those who made the charge were unable either to understand or to appreciate his character.

We are all, unhappily, in the habit of accusing rather than excusing one another, and are prone to try our fellows, rather than ourselves, by our own standard of right and wrong. There are few who have the opportunity of judging of a man's religious sentiments: these the wise generally keep to themselves, as too sacred to be paraded forth on every occasion, and made as common to men's ears as household words.

Before we presume to condemn the principles of any man, we should be able to look into his heart and examine the sources whence they are derived, and the reasons on which they are founded; until we are made acquainted with his inmost thoughts, and have listened with unprejudiced ears to the arguments he adduces in support of his opinions, we should have the charity to believe he is possibly as good as ourselves.

With many men religion is ever on the lip; with Henry Bickersteth it was always in the heart.

It appears by the following letter, that even his mother's mind was tinctured with a doubt of his religious faith, arising perhaps from contrasting his unobtrusive conduct with the enthusiastic zeal of his younger brother Edward.

"I MOST sincerely hope that my dearest mother has no reason to suspect that I am either inattentive to religion or regardless of my moral duties. My most grateful thanks are due to her for her admonition, which I will take care shall have its full and proper effect; but the whole course of my studies tends to make me more and more admire the works of my Creator, and to be more and more desirous to promote virtue and eradicate evil. 'Tis true that I have not *very frequently* the advantage of being able to go to church, but I have every day a lesson under my eye, which is too deeply impressed upon my mind to be ever forgotten. I see how beneficent and how good the Creator has been to mankind, and I cannot but learn from this to be, as far as my nature will enable me to be, beneficent and good to my fellow creatures. I cannot, it is true, on all occasions profit by direct rules for my conduct, but I thank God and my parents that I have engrafted upon my heart the *golden rule* of the Redeemer of the world; so long as this is upper-most in my thoughts (which I trust will be always) I can commit no moral wrong, nor at all deviate from the strict rule of right. It would give me the greatest satisfaction I am capable of receiving, to be assured that you did not doubt that my principles were tainted, or that I had forgot the useful and important lessons which were first implanted in my mind by yourself and by my father.

London, 6, Great Marlborough Street, Jan. 23rd, 1801."

CHAPTER III.

SENT TO FINISH HIS MEDICAL STUDIES AT EDINBURGH.—HIS ACCOUNTS OF THE VARIOUS PROFESSORS.—DRS. HOPE, GREGORY, DUNCAN, THE MONROS, AND HAMILTON.—JOHN ALLEN.

The summer of 1801 young Bickersteth spent at Kirkby Lonsdale, and in the autumn of that year he was sent, by his uncle's advice, to finish his medical studies at Edinburgh. Speaking of his journey he says, in a letter to his brother:—

"I left Kirkby on Thursday last [October 22], about twelve o'clock; I got to Carlisle that night, and set out for Edinburgh early the following morning. We breakfasted at Langham, a small village about twenty-two miles from Carlisle, and we got to Edinburgh about twelve o'clock that night."

At Edinburgh our young student took lodgings in the house of one Jenkinson, No. 16, South Richmond Street. In this humble abode he went to work with his whole heart and soul, endeavouring to obtain knowledge on every subject, but more particularly on those which would make him master of his profession. The very day after his arrival in Edinburgh he commenced his studies at college, and in a letter to his brother he says, "Whilst I am there I shall be regularly, constantly, and pleasantly employed. God keep my head clear, and give me industry."

He attended most of the lectures delivered by the different professors, and was speedily elected a member of the Royal Medical Society, a debating club, which met every Friday evening during six months in the year.

This society was instituted in 1737, and was incorporated by royal charter in 1778. From the published volume of its laws and members it appears that Henry Bickersteth was admitted on the 13th of November, 1801, during the sixty-fifth session of the society.

The subjects of discussion were generally either physiological questions (in which he took great interest), or chemical, with some practical cases; philosophical subjects were also introduced. The papers contributed are said to be all preserved, but none of Henry Bickersteth's is among them.

Members were allowed to bring their friends, and one informant remembers Henry Brougham among them, and speaking in a discussion. In this field Henry Bickersteth distinguished himself. He was a remarkably good speaker, very energetic, yet eloquent. The same informant remembers his appearance—that of a very handsome man, with brown hair, blue eyes, and a noble countenance.

Some of his contemporaries and friends were Dr. Reeve, afterwards of Norwich, Dr. Alexander Henderson, now of Curzon Street, Mayfair, author of the "History of Wines," Dr. Bevan, of Cambridge, Dr. De Roche, of Geneva, Dr. Walrond, Dr. Farre, and a few others. At this time the medical professors were all men of eminence, as Drs. Hope, Gregory, Duncan, the

Monros, and Hamilton ; and the impressions they left on our young student are well described by himself in his letters to his father and his brother.

Of Dr. C. Hope, the most eloquent and precise of lecturers on chemistry, unrivalled in neatness of experimenting, and not unworthy of succeeding to Black, the great chemist, he says, "I do not hesitate to say that hitherto I have been most pleased with Dr. Hope's chemistry ; his lectures are really very interesting and entertaining; and however odd his language may appear, it is certainly such as will keep up attention ; his experiments, too, are performed in a manner which appears surprising to one, who has witnessed the difficulty with which they are sometimes managed. I have not yet seen him fail once, or make a single blunder ; he has been treating hitherto on the effects of caloric in producing expansion, fluidity, and evaporation."

James Gregory lectured on the practice of medicine ; but he is most renowned as an elegant scholar, who found time for classical and philosophical pursuits,* amid the hurry of professional and college distractions.

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* Dr. Gregory published an essay on Necessity, which did not do him much credit; it was answered by John Allen, and also by Dr. Crombie.

"Mr. John Allen was educated at Edinburgh, as a physician, and stood far at the head of all his contemporaries as a student of the sciences connected with the healing art; but he also cultivated most successfully all the branches of intellectual philosophy, and was eminent in that famous school of metaphysics, for his extensive learning and his unrivalled power of subtle reasoning. For some years he lectured most ably on physiology, but before entering on practice he accepted an invitation to attend Lord Holland's family, during the Peace of Amiens, on their journey first to France, then to Spain, Mr. Bickersteth thus describes his first sight of Dr. Gregory :—" At nine o'clock Dr. Gregory, with a fine open and candid countenance, and lively manner, came forward to explain his course on the practice of medicine. He particularly recommends the 'Nosology' and 'First Lines' of Cullen, and said that they could not be too often read ; he reprobated very strongly the violent disputes medical professors have always had with each other about trifles, saying, that wherever there could be a dispute, it might be considered as an axiom, that the point would be of no importance."

Of Dr. Andrew Duncan, the lecturer on the institutes of medicine, Mr. Bickersteth's first impression was: " He seems rather an infirm old man, whose appearance at once gives an opinion of his industry and his goodness : this presage is confirmed by his character ; but notwithstanding the kindness which breathed in his lecture, it was dry and tedious, chiefly consisting of directions to the students how to employ their time to the greatest advantage, and of an explanation of his own proper course."

Dr. Home lectured on the materia medica, but the young student does not appear to have been much prepossessed with his appearance. " At eight o'clock

where they remained till the year 1805. Of late years he chiefly confined his labours to some very learned papers upon the antiquarian lore of the English Constitution in the *Edinburgh Review*. He also published in 1830, a learned and luminous work upon the ancient history of the Constitution."—Lord Brougham's "Statesmen of the Time of George III."

Mr. Allen was also a prominent member of the last Record Commission.

began Dr. Home, *humming and hawing* in the most sleepy and stupid manner, to give an account of his plan of lectures on the materia medica."

Dr. Alexander Monro was the anatomy lecturer. "He is," writes Mr. Bickersteth, "one of the finest old men I ever saw; and he gave a most excellent lecture on the importance of anatomy to the physician and surgeon. I wish he had considered its consequence to the world at large." This sentiment of the young student shows how early philanthropy had taken possession of his mind—he considered that the science of anatomy should be universally studied in order that every man should know something at least of the formation and functions of his own frame. He thought it an honour for a man to give his body to be dissected. He does not speak so favourably of young Monro, who lectured on the bones. "Alas! alas! what a pity it is that any part of the human body should be described by such a man;—his manner is slovenly—his method of describing obscure—he seems to have no qualification to fit him for a lecturer—a bad figure, a bad voice, and it is impossible he should be well acquainted with his subject, for he is obliged to read even a description of the bones! I long for the time when the fine old fellow, his father, begins."

Of Mr. Fyfe, Dr. Monro's assistant, he says, "his manner is awkward enough, but I won't cavil when the information is clear and useful."

Speaking of Dr. Hamilton, who lectured on midwifery, he says,—"He has already galloped over all the anatomical and physiological part of his subject, and begun the practice. I have been very much pleased with his lectures, which, in general, I think are excellent. He never uses notes, and is never at a loss for words: so that he must enforce attention. Most people," he continues, "have their peculiarity of manner, and he has his; most, if not all, of the professors here would be excellent subjects for caricatures."

At the same time, perhaps, Playfair was lecturing in mathematics, and Dugald Stewart on moral philosophy, the two most distinguished men that this College ever produced. The last is not to be judged by his works, but by the impression he made on all his students, never effaced in after life; but there seems to be some doubt whether young Bickersteth attended the lectures of Playfair.

Labouring hard at his studies, he passed the winter of 1801—1802. His feelings and occupations during that period will be best described by his own letters, which are written with considerable power. To his parents he thus writes during the first month of his residence:—

Edinburgh, Saturday, Nov. 7th, 1801.

"My dearest Parents,

"I am afraid you will have thought me long in writing, but I have two reasons for my delay. First, I wished to inform you of the safe arrival of my trunk, which did not take place till late on Wednesday night; and, secondly, I thought you would be glad to hear that I was elected a member of the Royal Medical Society, which was not done till last night.

I am much obliged to Mr. Braithwaite, for his letter to Mr. Kerr, who was very civil to me when I called upon him,—I dined with him that very day. It was strange enough, that, although your letter was dated on the Wednesday, I did not receive it till the Monday following. My employment has not been by any means so great as I hoped it would have been before this time, for in reality we have had no serious lectures yet.

All the classes opened, as I expected, on Wednesday Oct. 28th, and I went that day to hear every lecture. First, at eight o'clock began Dr. Home, *humming and hawing* in the most sleepy and stupid manner, to give an account of his plan of lectures on the materia medica. Next, at nine o'clock, Dr. Gregory, with a fine open and candid countenance, and lively manner, came forward to explain his course on the practice of medicine. He particularly recommends the 'Nosology,' and 'First Lines' of Cullen, and said that they could not be too often read; he reprobated very strongly the violent disputes medical professors have always had with each other about trifles, saying, that wherever there could be a dispute, it might be considered as an axiom, that the point would be of no importance. At ten o'clock, Dr. Hope began. He merely gave a general explanation of the nature and objects of chemistry; and laid great stress on its particular importance to the physiologist, the physician, the apothecary, the natural philosopher, the political economist, the agriculturist, the cook, and the manufacturer. Dr. Duncan began at eleven. He seems rather an infirm old man, whose appearance at once gives an opinion of his industry and his goodness. This presage is confirmed by his character,—but, notwithstanding the kindness which breathed in his lecture, it was dry and tedious, chiefly consisting of directions to the students how to employ their time to the greatest advantage, and of an explanation of his own proper course. The Infirmary was open at twelve, and Dr. Monro began at one; he is one of the finest old men I ever saw, and he gave a most excellent lecture on the importance of anatomy to the physician and surgeon. I wish he had considered its consequence to the world at large. He considered the claims midwifery has to be ranked as a particular science, and how much it owed to the general employment of male practitioners. He declaimed against the plan of giving a history of any science, at the beginning of a course of lectures, and said that, instead of doing that, he should employ the three following lectures in describing the method of recording medical cases. So ended the first day. No other lecture was given till the Monday following, when all the professors, except Drs. Hope and Hamilton, began their histories. Dr. Hope, on Monday and Tuesday, explained more particularly the objects of chemistry, and on Wednesday he gave a short history. Dr. Hamilton described his method of relating medical cases. After Wednesday, they all stopped again, and they do not begin till Tuesday next, when serious business commences. It is provoking enough to be kept so long in suspense. Drs. Hope and Duncan begin the clinical lectures on the cases at the Infirmary, on Tuesday, at five o'clock. I mean to write all these cases down, as they may amuse my father in the spring.

I have been at more expense with these lectures than I had any notion of. I hope you will not think it too much, but, at any rate, the expense is finished, and I shall now have little more to do than support myself. The janitor's fees are more than you would suspect, perhaps. I paid:—

	£	s.	d.
For Monro's ticket	3	7	6
„ Hope's Chemistry	3	5	0
„ Clinical ticket	3	5	0
„ Gregory's	3	5	0
„ Hamilton's	3	3	0
The Infirmary	3	5	0
Fyfe's demonstrations, which Dr. Cassel's letter obliged me to attend	2	2	0
The Medical Society	5	5	0
	£26	17	6

From this statement, my travelling expenses and other unavoidable things, you will judge of the state of my purse. Everything is exceedingly dear here, more so, I think, than in London; if I eat a dinner, which is not always, I can in no way get it for less than two shillings.

I have delivered all my letters. On Saturday last, I dined with the Cassels. The whole family were exceedingly civil. The Brownes also were very civil. I yesterday dined with Dr. Hamilton.

I am very much concerned to hear that my sweet sister has had a fever and stiff neck. Tell her to write me a letter to inform me she is got well again.

I hope that by this time my father is quite recovered, and able to go about his business as well as ever. How is my mother? I am afraid the weather is too cold for bathing,—it has been hard frost here for several days. On Wednesday there was a good deal of snow a few miles south of Edinburgh. Give my best love to my brother, sisters, and cousins, and remember me affectionately to all my friends.—I could mention a few in particular, but it is better let alone.

Believe me, your very dutiful and affectionate son,

H—— B——.

Excuse me for reminding you of a sort of contract we made,—'My letters are not so studiously written as to make them fit for publication.'"

His anxiety not to waste any portion of his time, which he rightly judged the most precious of all possessions, is strongly apparent in the following letter. Much as he desires letters from home, he wishes not to abstract the short period necessary for acknowledging the civility of a friendly messenger from "his proper pursuits."

Edinburgh, Sunday, Nov. 28th, 1801.

"My dearest Parents,

"This time I believe your letter has not been detained, as I got it on Tuesday, and I have taken the very first opportunity of answering it. Hard work is now fairly begun, and my time is completely occupied. It would be a subject little suited to the length of a letter to attempt giving you an account of each part of the several lectures I hear. I can only just tell you of the order in which they proceed; and as I can very seldom conceal any opinions I have formed, you will not wonder that as I go along I speak with considerable freedom of the several professors. I am always willing to confess myself wrong when I see cause for it, but I must either express the present idea, or play the hypocrite. After the cessation I mentioned to you in my last, the lectures recommenced on the 10th. As Dr. Gregory had not finished his history he gave two lectures more on that subject, and then he treated generally on the arrangement of diseases, or nosology, passing particular eulogiums on that of Dr. Cullen. After this he began particularly with *fevers*, and you will be surprised when I tell you, that since about the 14th of this month his lectures have entirely consisted of a commentary on Dr. Cullen's three first definitions, Pyrexiæ—Febres—Intermittentes. All this time he has been explaining the reasons which induced Dr. Cullen to admit such symptoms, and to leave out others; and contrasting the Doctor's opinions with those of other writers, occasionally interspersing observations of his own. I must own that I do not think this by any means a proper method of treating the subject, for although we may get all the information that we could in any other way, yet it is not at all calculated to make that impression on the mind of a student which is so necessary to his gaining real and permanent knowledge. The attention, too, is much scattered, for we are continually waiting for the lecturer's own opinion, and the real phenomena of the disease, and very little anxious to learn what other people have imagined about it. Those students who have attended him before, tell me that his whole course, as far as regards the history and symptoms of a disease, is a commentary on Cullen's 'Nosology,' and that he will continue at least two months longer on fevers. I am sorry for it, as I perceive it will require no small exertion to overcome the tedium occasioned by his plan. As yet we have had no practice. Almost the whole of Friday's lecture was employed in telling us how liable the east wind is to cause a recurrence of intermittent fever on those who have once had it.

I do not hesitate to say, that hitherto I have been most pleased with Dr. Hope's chemistry. His lectures are really very interesting and entertaining; and however odd his language may appear, it is certainly such as will keep up attention. His experiments, too, are performed in a manner which appears surprising to one who has witnessed the difficulty with which they are sometimes managed. I have not yet seen him fail once, or make a single blunder: he has been treating hitherto on the effects of caloric in producing expansion, fluidity, and evaporation.

Young Monro is describing the bones. Alas! alas! what a pity it is that any part of the human body should be described by such a man. His manner is slovenly; his method of describing obscure. He seems to have no qualification to fit him for a lecturer. A bad figure, a bad voice, and it is impossible he should be well acquainted with his subject, for he is obliged to read even a description of the bones! I long for the time when the fine old fellow, his father, begins again

Mr. Fyfe demonstrates the same parts in the evening that are given in the morning by Dr. Monro; and I find much advantage in attending him. His manner, to be sure, is awkward enough, but I won't cavil when the information is clear and useful.

Dr. Hamilton is the only remaining professor whom I attend. He has already galloped over all the anatomical and physiological part of his subject, and begun the practice. I have been very much pleased with his lectures, which in general I think are excellent. He never uses notes, and is never at a loss for words, so that he must enforce attention. Most people have their peculiarity of manner, and he has his, but I have not room to describe it. Most, if not all, of the professors here, would be excellent subjects for caricatures.

There are no very remarkable cases in the Infirmary at present. Several of dropsy and rheumatism, some of asthma and fever. The reports are given every day betwixt twelve and one o'clock; and as I have got every case which is in the clinical ward, I need not take up room with describing them in my letters.

The clinical lectures are now given by Dr. Hope every Tuesday and Friday evening at six o'clock. I wish he shone as much here as he does in the chemical chair. These lectures are really bad, and scarcely worth attending. I regret the money I paid for my ticket.

I have been greatly pleased with the Medical Society, and have ventured to speak a little every night since I have been elected. Last Friday night, the case was hydrothorax, the question animal heat, and the discussion was very good. It is generally kept up till twelve or one o'clock in the morning. From what I have said you will readily understand how my time is employed. What with attending lectures, and what with reading, it is altogether filled up, and the truth is I have not a moment to spare.

I need not say how happy I shall be to receive a packet of letters from Kirkby, but I entreat you not to send it by any person I shall be obliged to visit. It must be evident how much it would interrupt my proper pursuits. Perhaps Miss Harris will be kind enough to send it to the penny post-office, and thus I shall get it without farther trouble or loss of time. I must now answer my mother's questions, &c. I have been to church every Sunday, except one, since I came to Scotland, and have heard some tolerable clergymen. As to colds, I was unfortunate enough to catch one on my journey, which has scarcely left me yet; but it is very much better. I thank you for your promise of money, which I now really want, being almost quite aground. My landlady chooses to be paid by the quarter, so I have given her nothing for my lodging yet. I have got every thing that my father mentions in my rooms. I am happy to hear of my mother's health improving; and from your silence conclude that Mary Anna is recovered. Give my love to my brother, sisters, and cousins. Thank Mrs. Parr, for her remembrance, and give my respects to her.

Believe me your dutiful and affectionate son,

H—— B——."

Even to his brother he finds it necessary to plead that he is a bad correspondent, "for he positively has only time to write on a Saturday or Sunday."

"My dear Brother,

"How many times have you been venting your ejaculations against me for not writing sooner? I am sure not oftener than I have been crying out, 'What the devil shall I say for myself?' The truth is, I am the worst correspondent in the world, and in spite of all my good resolutions and determinations, my deep-laid plans, or high-flown schemes of obliging myself to write, I believe I must ever in this respect be considered a scurvy fellow. I shall not take up room, though, as you may imagine, in this large sheet I could well enough spare it, with giving you a string of excuses and apologies, which commonly savour more of cunning than sincerity. Suffice it to say, that I have now obliged myself to sit down to a long sheet of paper as (unfortunately for your patience) I have not got a smaller one in my possession, and my conscience will not suffer me to wait another week, which I should be obliged to do if I did not write to-night, for positively I have only time to write on a Saturday or Sunday.

Can you help laughing when I again introduce the name of De Boffe—charming man! I verily believe that there has not a single letter passed between you and me since I left town without his being mentioned. But now I bid him 'Good bye!' and consign him altogether to you, for I find that no French books come here without having previously passed through London, so that I must wait his time. Upon you I impose the task of forwarding my books hither, and here, with all due formality, I must state that I sincerely hope and trust you will excuse the liberty I am taking, and the trouble I am giving you (heigh-ho!). I need not remind you how impatient I am. The fortnight you talked of has been long elapsed.

For fear I should forget it, I will say now that my squireship is greatly indebted to you for finding out its existence. You know I hold these things to be amazingly ridiculous; of course, however, you think otherwise, and I understand the hint. '*Nemo mortalium omnibus horis sapit.*'

I am happy to hear of your attending Garnett.* His lectures cannot fail to be both entertaining and useful. I am obliged to you for your short analysis of the first. I certainly agree entirely with him, and if for a moment we recollect in what a sneaking, fawning, and at the same time supercilious manner men talk of science, we cannot but think his observations very apt. In the course which you attend does he begin with giving you an account of matter, and proceed upwards towards general facts and principles, or does he follow the opposite method? I recollect that last year his popular course was conducted in the latter way, his scientific one in the former, and I was somewhat surprised at his arranging the same science in opposite ways. Will you tell me what you think about this, because in my mind, arrangement is as important as anything else, and, at first sight, it appears curious that matters of science should require a different arrangement from other subjects. I need not say how disagreeable it would be in history to ascend from effect to cause, — to read a history of England beginning with George III., and ending with William the Conqueror. But in science what is there so pleasant as to learn a certain number of facts, to arrange these in orders; the orders in classes, and so on, till we come to universal laws or principles, and thence to the first cause?

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* Author of "Lectures on Zoonomia," the preface to which work was written by Mr. Bickersteth.

In your last letter you flattered me with the hope of hearing from my uncle soon; but, alas! not a line do I receive. You must tell me the event of his journey to Belvoir Castle.

What is it that makes you so positive about my returning to London so soon? Tell me, ay, tell me to the tenth part of a hair, on what you ground your belief.

I am happy to understand that I shall have the pleasure of seeing some poetry of yours soon, and that it will be open to my CANDID criticism! A famous critic I am to be sure—an honest one, at least; but expect no mercy. When my opinion is asked I always try to show a person the worst side of his work. You are mistaken if you think I was finding fault at the other verses which I alluded to in my last. I merely inquired why you chose a measure in this and other small pieces which I have seen, which, to most people, is less agreeable than the metre ordinarily used.

How could you think of asking if I was at a coffee-house? *Jinkenson* is the name of the man who keeps the lodging-house in which I am; a place little calculated, I assure you, for a 'squire of high degree.' I hope, however, to change it shortly, but if you are merciful and do not retaliate procrastination upon me (the which, God forbid, say I), I shall hear from you long before I change my address.

Remember me affectionately to Miss Braithwaite, and in Marlborough Street; present my highest consideration to Edward; accept of, &c., and, and, &c., Adieu. HENRY BICKERSTETH.

Thank Mr. B—— for his letter to Mr. K——, with whom I dined the very day I presented it; he was then very civil to me, but has not noticed me since. Betwixt ourselves I am glad of this; I came here to study, and not to pay visits.

Sunday night, Dec. 13th, 1801."

CHAPTER IV.

HIS LIFE AT EDINBURGH. — BECOMES A MEMBER OF THE ROYAL MEDICAL SOCIETY.—LETTERS TO HIS FATHER AND BROTHER.—SCOTTISH CUSTOMS.—FURTHER NOTICES OF THE PROFESSORS.

A LETTER shortly after to his father shows him as an active member of the Royal Medical Society, and also exhibits the manly candour and truthfulness of his character. Though he owns it to be "a serious undertaking to get up and speak," yet he has courage to do so when he hears opinions advanced that he cannot agree with, although they "seemed countenanced by the whole society."

Edinburgh, Wednesday, Dec. 23rd, 1801.

"MY DEAREST FATHER,

"I regret much that at the moment my time was so completely filled up, that I was totally unable to write to you by Dr. Cassels, who was here a few days ago. It was neither doing justice to Robert or to Mary Anna, but I could not possibly help it. I received a letter from you yesterday, expressing some anxiety about the money you sent me—but as I knew you must have received my last letter soon after you sent yours away, I did not think it necessary to write by return of post. Our regular routine of lectures goes on without interruption, and the same day in every week is occupied in the same way. Dr. Gregory still continues on fevers, nay he has not yet got over the first species of Dr. Cullen's second genus. Dr. Hope has just finished his very entertaining and comprehensive account of caloric—at the end of this subject, he shewed an experiment which at first sight appeared very astonishing, and which I am surprised should never have been noticed by Dr. Garnett, since it has been published more than ten years. I allude to the experiment first made by Pictet to show the apparent radiation of cold. Dr. Hope had before shown the experiment, proving the radiation and reflection of heat from the focus of one concave mirror to the focus of another placed opposite to it—he then, instead of putting a heated body in the focus of the first mirror, put a mixture of salt and snow, and immediately the thermometer in the focus of the opposite mirror indicated a great degree of cold. The apparatus was arranged as I have endeavoured to represent*—the two mirrors being at five feet distance. No. 1, the cold body, and No. 2, an air thermometer. From the effect it would at first seem that the cold was reflected (as the heat had been in a former experiment) from the cold body, No. 1, in the direction of the dotted lines to the thermometer, No. 2, and in this case the whole doctrine of heat and the idea of cold being only a negative quality must fall to the ground. Pictet, however, endeavoured to explain it by saying that the thermometer indicated cold in consequence of the heat passing away from it to render the cold body in the opposite focus of the same temperature with itself, and that in fact the radiation and reflection were in the reverse direction, *viz.*, from No. 2 to No. 1, but the matter still remains in doubt, and forms a complete puzzle. Dr. Hope is now describing the chemical apparatus, and in a day or two will proceed to the composition of the atmosphere. Dr. Monro has followed a most curious arrangement in his lectures—it would be endless to follow him in every thing, it is sufficient to say that, after having described a part of the bones he went to the viscera, and some of the muscles, and that he is just now returned to the bones again. I cannot say I understand what he means by such a plan, but such is the fact. Dr. Hamilton has finished his account of the four classes of labour, and to-day began to treat on the diseases peculiar to women.

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* The diagram referred to is of the rudest description, and therefore purposely omitted.

The Medical Society, as you know, meet every Friday night. The subjects for papers this winter are almost entirely medical or physiological, there are a few chemical, and one or two metaphysical. The society is very numerously attended, and there are several ingenious young men, and good speakers—so that it is really a serious undertaking to get up and speak. Last Friday night, the question was, 'How can we explain the topical determinations of blood?'—When we got to that part of the paper which treated on determination of blood caused by particular passions of the mind, the author said that he conceived it altogether impossible to find out the reason why certain passions always affected certain organs of the body, and this opinion seemed countenanced by the whole society. I could not, however, tacitly consent to it, and therefore rose to explain a sort of hypothesis I had formed on the subject, some time ago. I don't know whether you feel at all interested in it; but as, at any rate, the subject is a curious one, I will, as shortly as I can, tell you what I mean. The explanation of course involves in part an attempt to explain the functions of some part of the brain. In the first place then, I say that as soon as we look upon the brain, and observe the many and peculiar arrangements of its parts, we are led to suppose that each of these arrangements must have some particular office or function to perform, else why do they exist? In the next place, it is remarked by comparative anatomists, and laid particular stress upon by Cuvier, that in all animals whatever do analogous nerves go to supply analogous parts of the body, even though they have in some instances a roundabout course to take, and might often be very conveniently supplied by the branches of neighbouring nerves: this then leads us to suspect that each organ or part of the body requires a nerve of a peculiar sort, to supply it with vital energy; that in fact all the nerves of the body are not similar in minute structure or minute property, and of course that the several parts of the brain from which these nerves arise, are different from each other: and this is fortified by the observation first made. When we observe, in the next place, that certain passions affect certain organs, and not the rest; that, for instance, shame produces a blush, hope a palpitation of the heart, and grief a flow of tears—that hunger affects the salivary glands, anger the liver, and terror the intestines, or the bladder, and so on: and when again we have probable reasons to believe that these organs act reciprocally on the mind, and that certain states of particular organs produce the predominancy of certain passions,—I say when we compare all these circumstances together, does it seem inconsistent to conclude that the several parts of the brain possess a peculiar organization, or a peculiar action by which they are especially calculated to be affected by certain passions of the mind, and that when this impression is received, the affection is conveyed along the nerve which arises from this part of the brain to the organ which it is destined to supply with sensibility? And thus we can explain why particular organs sympathize, as it were, with particular passions. And if the conclusion be just, we may, by comparing the effect produced, and the existing passion, with the part of the brain from which the nerve going to the affected organ arises, be able to ascertain what part of the brain it is which is primarily affected by any individual passion.

Much less opposition than I expected was made to this opinion in the Medical Society. I hope, however, to have another opportunity of bringing it forward, and by this means get it completely canvassed.

Matriculation took place here last Thursday, and my name is now entered on the College books.

. . . . . .

How glad I am to hear that my mother's health remains better; long may it continue so! Do not let the whooping-cough being in the family distress her; the sooner a, perhaps, necessary evil is got over, the better.

I am anxious to have an answer to my last letter, being at present in some degree of suspense.

Remember me affectionately to all, and believe me your dutiful and affectionate son,

H—— B——."

The two following letters to his brother give a pleasing picture of fraternal affection, and slightly notice some Scottish customs, "as, being in Scotland, he ought to tell him of them."

"MY DEAR BROTHER,

"I hope you have not considered the scrawl I last sent you as the only acknowledgment I meant to make you for the trouble you have had about the books. I cannot, even now, thank you as I ought, but I know you well enough to believe that you will be sufficiently repaid by learning the great pleasure and instruction you have afforded me by this work. It has, indeed, interested me so much, that I have scarcely touched any other book since I got it; and though I should be sorry altogether to believe what is said in this or any other book, yet it has afforded me an exercise which will always be of use to me: but enough of this. You will have the goodness to put down the expence in a friendly account, to be paid when we meet—you are conferring sufficient obligation on me by allowing yourself to be out of your money so long.

I am rather anxious to hear from you soon in answer to a question in my last—What makes you believe I shall return to town with you in the summer? I assure you I am in some degree of tribulation. I hear nothing from my uncle—nothing from Mr. Thomas, and I get every day more fond of my subject. Report says that Mr. Thomas has begun to lecture in conjunction with Wilson ; this circumstance, if I have any chance of being concerned in the school, is to me an important one ; but I know not if it be true: I am altogether in the dark, and begin to think myself forgotten. Excuse me for writing to you about this, but probably my uncle will be able to clear the doubt, in which case I am sure you will inform me.

I had a letter from Kirkby on the same day that I received your last, and had an account of the whooping-cough, and of Mary Anna's lameness ; as to the first, perhaps, they could not get it over at a better time, and from what I hear of the other, I hope that nothing worse than a little temporary inconvenience is to be expected.

I was just now falling into my father's constant expression, 'there is no particular news just now,' when I recollected that if there was, how should I learn it? The truth is, my letters must be most excessively stupid, and I almost blush to think of them, confined to a study about which you have no reason to be interested, and for the present voluntarily secluded from everything else. I am so weak that I am scarcely able to direct my attention from it. If I had more paper, however, I might perhaps give myself a good shake, and attempt to *exert my energies ;* but you see what a predicament I am in—I have not room to expatiate on anything.

By the way you may observe in this place, that although we may be the creatures of circumstances, they also, in their turn, may be moulded about to our purposes. Compare an apology for too much paper in my last, with what I have just said.

When you write you will tell me how Dr. Garnett goes on; I ought to have written to him, but I have now delayed it so long that I do not know how to set about it. You may give what compliments you please from me to him and Miss Worboys.

Remember me affectionately to Miss Braithwaite, Edward, &c., my uncle and aunt, when you see them, and tell me the result of my uncle's journey to Belvoir Castle. Your affectionate,

HENRY BICKERSTETH.

Till this instant I had forgotten that it was Christmas Day, on which most people resolve to be merry. Merry may you be! Recollect the precept :—

'’T is merry in the hall
When beards wag all!'

I suppose with eating and drinking.

Edinburgh, Dec. 25th, 1801."

"MY DEAREST BROTHER,

"It is perhaps one of the most difficult things that can be for one who has received an obligation, to express his acknowledgments in proper and adequate terms. A mere 'thank you,' or 'much obliged to you,' means nothing in the world; yet whatever is substituted becomes a formal set phrase, perhaps a mere ridiculous cant, and probably will prove offensive to the very person we meant to gratify with an account of the good they had done us. Thanks to my good friends I have pretty frequently been in this predicament, and though it might be thought that from frequent repetition I ought to have become accustomed to it, and to know what to say on such an occasion better than another, yet still do I feel the same difficulty; and now, when I ought to have begun directly to thank Miss Braithwaite for her kindness in sending me such a present to such a distance, I felt perfectly at a loss how to set about it. It is certain that this does not arise from want of gratitude, for I am tolerably clear that I feel the sensation as lively as anybody, yet I know not how to express it, and on the present occasion I must rely on Miss Braithwaite's goodness to imagine how much I feel obliged to her, and to overlook my inability to tell her in words. Her present was so much more acceptable as I was in real want of the book, and had actually, a day or two before I received it, determined to buy it as soon as I could spare money. After this I need not say how much I was gratified when I so unexpectedly found it in my possession.

As to the book itself, you may have supposed it is only the first volume to which I have at present either time or inclination to attend. His doctrine of vibratory motion of the brain and nerves is altogether hypothetical, and the whole book serves to show his ingenuity in making all the phenomena of the mind and body agree with it; but probably I may comment as I go along, and if so, I shall offer you most likely a foolish offering of foolish observations; but you shall have them at any rate.

I am sorry to hear such an account of Garnett, and am much afraid that he is already beginning to fall like the stick of the sky-rocket. What a most unfortunate thing it was for him that he first began to lecture in country towns! for, as soon he found himself the first man of science in several towns, he extended it in idea to all towns; and when—but *ohe jam satis est*—these are points we have no right to prosecute. I ought, by the way, to ask you some questions about the few last sentences of your last letter, beginning with *Tempus edax rerum*, and going on with something like its converse, *Pulvis et umbra sumus*, to immortal parts and particles of divinity, and then praying for their happiness. I do not know whether you meant this to quiz me, but I wish to ask you the necessity of praying for particles which are already divine. If you do not like the subject do not answer the question.

At any rate this is the first day of the New Year, and being in Scotland I ought to tell you of Scotch customs; and really they have a most charming one on this occasion, as you will say. Whether it is meant as a farewell ceremony to the old one, or an introduction to the New Year, I can't tell, but on the 31st of December almost everybody have either parties to dine or sup. The company, almost entirely consisting of young people, wait together till twelve o'clock strikes, at which time every one begins to move, and they all fall to work—at what? Why, kissing!—Each male is successively locked in pure platonic embrace with each female; and after this grand ceremony, which, of course, creates infinite fun, they separate and go home. This matter is not at all confined to these, but wherever man meets woman it is the particular privilege of this hour. The common people think it necessary to drink what they call *hot pint*, which consists of strong beer, whiskey, eggs, &c., a most horrid composition, as bad or worse than that infamous mixture called *fig one*, which English people drink on Good Friday.

Give me a conjecture about the origin of all this folly.

Remember me affectionately to those about you,

And believe me, &c.

HENRY BICKERSTETH.

Edinburgh, Jan. 1st, 1802."

To his father he writes further about the professors and their lectures; and also as to his own proceedings in the Medical Society.

"MY DEAREST FATHER,

"I received your letter too late to be able to answer it yesterday. It would be useless for me to attempt a further explanation of my last letter, or to express my thanks for yours. You are but too kind, and it must be my endeavour not to abuse your goodness. I certainly must think the time of my education the most important of my life, and I am so much the more indebted to you for allowing me to employ it to advantage. The classes are going on with spirit. I think young Monro is considerably improved; he has lately been giving lectures on Respiration, and he seems to have taken great pains to collect all the facts and experiments relating to that subject; still, however, his manner is so lifeless and slovenly, that it requires considerable exertion to attend to him. To attract the attention of ignorant students requires something more than merely uttering a detail of facts; some share of eloquence must lend its aid, or the whole labour is vain.

Dr. Hope has got half way through the simple earths. He seems an excellent mineralogist, and has got an immense collection of fossils of the very finest kind; he is very fond of introducing what he calls proofs of Dr. Hutton's, or the Plutonian theory of the earth. All that is said on this subject, however, must of necessity be mere hypothesis. Gregory has just finished Rheumatism, and to day will begin Gout: his style is the most diffuse that ever I knew; his lecture might absolutely be compressed into a third of the space. Dr. Duncan's clinical lectures are much superior to those of Hope, and he makes the hospital much more useful.

We have had some very good debates in the Medical Society lately. I think I mentioned to you some time ago that we were to have a paper from one of the presidents (a Mr. Reeve), in favour of the new Chemical Physiology. This was debated last Friday but one. The society was quite full, for many of the first scientific characters in Edinburgh were present; some noblemen too. Mr. Reeve's arguments were chiefly directed against the vital principle of Mr. Hunter, and the plastic power of others, as well as the *vis medicatrix* of Dr. Cullen; and he imagined that all the phenomena of animated beings might be accounted for on the known laws of chemical affinity which govern dead matter.

The doctrine which is now supported in all its extent by Professor Keil, in Germany, and partly, though by no means so extravagantly, by Mr. Allen of this place, and by Cuvier in France, is gaining considerable attention everywhere. As it, however, when carried to such lengths, has always appeared to me insufficient to account for most of the phenomena of life, I stood forward to oppose it. Certainly nobody will contend that life can exist without the several operations of the body going on; but it would be equally unphilosophical to say that, because this is true, all the phenomena of life must be caused by the chemical affinity of the elements of the body. I might as well say that the material universe is itself the cause of the laws which regulate its motions. To show this, I briefly stated the laws which govern dead matter, and considered these in their relations to animated beings; and after comparing at length the phenomena of life and of dead matter, I concluded that all the phenomena depending upon sensation, assimilation, muscular motion, and resistance to the action of external agents, were totally inexplicable on the new theory. At the same time there can be no doubt that every change of composition which takes place is a chemical change; but most assuredly their changes are regulated by laws which are peculiar to the living principle. This idea of vital principle is different from that either of Hunter, Cullen, Plinck, or Ontyd, but I believe it will be found to be true. No valid objections were brought against the arguments which I adduced, and I believe the greater part of the society remained of my opinion. The debate was kept up till two o'clock in the morning, and almost every physiological fact was brought forward in support of one opinion or the other. It was the most instructive we have had this winter.

Last Friday we had a paper on the Nitrous Oxide, and I think that now the very remarkable effect resulting from breathing it may be accounted for. The experiments of Lavoisier and Seguin, made in 1789, clearly prove that, whether we breathe common atmospheric air or pure oxygen gas, the real quantity of oxygen taken into the system is the same, the blood being only able to receive a certain proportion from either of them; this is certainly in contradiction to the opinion of Beddoes, Thornton, and others, but not less true. Now Mr. Davy has shown that when nitrous oxide is breathed, almost the whole of it is absorbed, and it may be fairly inferred, that, as far as we know, this nitrous oxide is the only happy composition by means of which so large a portion of oxygen can be taken into the system.

I called upon Lady Dalrymple last week. I believe she is in town, but she was not then at home, and I hope I am released.

I have had a letter from my brother lately; they are all well in town.

Give my best love to my mother, brother, sisters, cousins, &c., and believe me, your very dutiful and affectionate son, H. B.

N.B. The ten pound note arrived quite safe.

Edinburgh, Feb. 17th, 1802."

CHAPTER V.

APPOINTED CLINICAL CLERK TO DR. DUNCAN.—LETTERS TO HIS FATHER, HIS BROTHER, AND SISTER.—HIS AFFECTION FOR THEM.—CRITICISMS ON HIS BROTHER'S POETRY. — HIS ATTACHMENT TO THE BACONIAN PHILOSOPHY.—LETTER TO HIS MOTHER.—RETURN HOME.

In March 1802, Mr. Bickersteth was appointed clinical clerk to Dr. Duncan, and he wrote thus to his father on the subject:—

"My dearest Father,

"You have, of course, received my last letter by Dr. and Mrs. Lawson. Our whole business has gone on so uniformly, that, notwithstanding you tell me you have been entertained with my letters, I am afraid they are excessively tiresome. Since I last wrote I have been fortunate enough to get a situation which will be of considerable use to me in getting practical knowledge,—I mean that of clinical clerk to Dr. Duncan. As you may not know the precise nature of this situation, I will explain it in as few words as possible. There are two wards in the Infirmary which are attended by all the professors of the College in succession, and the patients in which form the subjects of the clinical lectures. The reports of the patients are publicly given every day at twelve o'clock, and written down by the students. It is the business of the clerk to write the histories of the cases as they come into the ward, to inquire into all the symptoms before the visit of the physician in the morning, and to see the patient again in the evening; if anything extraordinary occurs, he has it in his power to vary the medicines as he sees occasion, and, in general, the patients are entirely under his guidance when the physician is absent. The advantage of this situation in gaining experience must be very obvious, and I hope you will think me very lucky in being able to get it in the midst of a crowd of applications that were made. Dr. Duncan's time will be out at the end of next month, so that I shall be quite at liberty when the classes are over.

We have had some good practical papers at the Medical Society lately. One on dysentery a fortnight ago, and on popliteal aneurism last Friday. Next night the case is erysipelas. I have lately had Cuvier proposed and elected an honorary member; his diploma will cost me, I believe, about seven shillings, but it will be of great use to me, and, perhaps, open a correspondence. Dr. Hope has not been lecturing for two or three days, on account of the death of his mother, which took place last week: he had just begun to treat on the essential oils. Gregory has not yet got further than phthisis pulmonalis, whilst Monro has finished the human anatomy, and this day began the surgical part of his course. The comparative anatomy will follow afterwards.

I have not a doubt but the twenty pounds you mention will be quite sufficient. I am, indeed, ashamed to require so much. I believe, however, your prediction about rags and tatters will be completely verified. Matthew must have his goose and his scissors ready to commence operations as soon as I get home.

You ask me if there any books worth buying. Dr. Thomson, a very eminent chemist of this place, has lately published a system of chemistry, which is very highly praised; it contains a copious analysis of vegetable and animal substances, and refers to every source of information. It is in four octavo volumes, price thirty-six shillings. Robert, I think, should have Fyfe's 'Anatomy,' which is much the best, most accurate, and most complete compendium I have seen; it is in three volumes, price sixteen shillings.

I am sorry to hear that the gout still keeps lingering about you. I hope, however, that it keeps moving off by degrees, and that it will soon be quite gone. From your silence I conclude that my mother continues quite well. At what time do you think you shall set off for town? Your last was written on Mary Anna's birthday. Tell my little girl I did not forget her; I wish her many, many happy years. Mrs. Lawson was very unwell at the time she set out from Edinburgh. I hope she was not worse from her journey, and that she is now recovered. I have not heard a word of Dr. Garnett, except what you told me in your last. I will be obliged to you to tell me how he goes on, if you hear soon. There are very few people whom I should be so sorry to lose.

Give my best love to my mother, brother, sisters, and cousins. Rememember me affectionately to all

friends, and believe me your ever dutiful and affectionate son,
H. B.

Edinburgh, March 17th, 1802."

Though deeply immersed in the study of the profession he had then determined to follow, yet he found time to keep up an interesting correspondence with his younger brothers and sisters on other subjects; and he appears to have entered warmly into their feelings.

The following letters, written before he was twenty, show his affectionate disposition and the truthfulness of his nature. To his brother he writes very soon after his arrival in Scotland:—

Edinburgh, Tuesday, Oct. 27th, 1801.

" My dear Brother,

" This plaguy dislike of writing letters increases upon me, and if I am not careful, I shall soon be unable to write at all. I have, however, formed an excellent resolution about the matter, and if it holds good, you will see me improve.

Here I am for the first time in my life perched up in my own rooms, and at a great distance from any friend who cares a fig about me. You may have heard that I left Kirkby on Thursday last about twelve o'clock. I got to Carlisle that night, and set out for Edinburgh early the following morning. We breakfasted at Langham, a small village about twenty-two miles from Carlisle, and were waited on by a girl who was completely Scotch. I will tell you a mistake she made. A gentleman who had come with me in the coach wished to have a larger tea-cup than they had given him, and he asked for a *small bowl.* The girl looked surprised, and he was obliged to repeat his demand two or three times before she said she would tell her mistress; by and by, my landlady comes in saying, 'She was varra sorry she has na caild meat in the house, but she had some sommon, which she could get ready directly.' An explanation soon took place. 'Oh! it's a *smaall bool* ye want, is it? the lassie did na ken what she mant. She tell me summat about a bane!' We got to Edinburgh about twelve o'clock that night.

I rejoice with you about peace most sincerely; it was quite time to put an end to such murderous proceedings. Who will answer for the lives that have been so profusely sacrificed? What a glorious thing it would be to go to Paris now! What fine collections and museums to be seen! What science to be learnt! Did you write some verses about the Saturday night thunder-storm, and 'plenty of light?' tell me, and tell me also why you chose that particular measure.

That stupid De Boffe has vexed and disappointed me very much about Dumas's book; and I am as much hurt that you should have had so much useless trouble about it. Will you have the goodness to call upon him once again. If he has got it, perhaps the parcel may not be too large to send by the mail coach. If he has not got it, tell him he need not trouble himself any more about it. Probably I may be able to procure it here in the course of a few months, although I cannot at present. It is possible that Dulau may have it, and if you go to Gerard Street, Soho Square will not be much out of your way. I'll thank you to write to me about this matter as soon as you conveniently can. I am tired of suspense.

I am obliged to you for your hope that I shall return with you to town next year, but it is not at all likely to take place. You may depend upon it I shall be kept at home as long as I can by fair means. I have experienced it already.

Some parts of your last letter would lead me into a long metaphysical disquisition concerning the powers of the mind, if I was to answer it properly, but for the present I purposely avoid the subject. Perhaps I may resume it at some other time, when I am more settled. Five months ago I did not believe it possible for any body of common sense to be in the state you mention, if they exerted themselves to get out of it; but since then, I have, in my own person, too lamentably experienced how much we are creatures of circumstances.

To-morrow the classes at the college open, and I shall, whilst I stay here, be regularly, constantly, and pleasantly employed. God keep my head clear, and give me industry!

When you write, which I hope will be soon, I wish you would inform me as much as you know about my uncle.* How does he do? What number of pupils has he? &c.

I shall be happy to hear that Mr. and Miss Braithwaite, and Mrs. James, and Edward are well. You know I have deemed it impossible to send about love upon paper, but probably I may recant part of my opinion on that subject.

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* Dr. Batty.

Direct for me at Jenkinson's, No. 16, South Richmond Street, Edinburgh. Adieu.

HENRY BICKERSTETH."

The affectionate simplicity of the following letter to his sister, shows plainly that the ardent student was still the loving brother; the world had not brushed off the bloom of his home affection; throughout the laborious pursuits and wearing anxieties of his college life he cherished thoughts of home, and looked forward to a brief reunion with his family with a yearning heart.

"MY DEAREST SISTER,

"I am very happy to have an opportunity of writing to you, for I had begun to be afraid that I should not be able to answer your letter at all. As this is, probably, the only time I can write to you whilst I stay here, I must take advantage of it to give you a short account of Edinburgh: you must look for the latitude and longitude in the map. Edinburgh, then, is a large town, situated in a very curious manner on three hills, which run parallel to each other from east to west; the middle hill terminates abruptly at the west end, and at its very extremity is built the Castle on a very steep rock, to which there is only a road on one side. At the other or eastern end of this hill is the Palace, or Holyrood House, where the Count d'Artois* is now staying—a long straight street runs all the way on the top of the middle, from this house to the Castle. All the houses which are built on the middle and south hills, and in the valley between them, are called the Old Town, while those which are built on the north hill are called the New Town. The houses in the Old Town are very high; indeed many of them having eight or nine, or even more, stories, and thus are very differently built from any houses you have seen, as a great many families live under the same roof; there is, therefore, a public stone stair which is open to the street, and two families commonly live on one floor, having their rooms completely separate from each other, and their doors, which open on the stair, locked like your doors which open to the street. The whole building which you call a house, is here called a *land*—the floors are called *flats*, and the divisions of these flats for two families, go by the name of *houses*. The New Town, which is situated on the north hill, is very differently built, the houses are like those of other large towns; but the streets are wider and more regular than any I have ever seen, no part of London being at all equal to it. From the most northern street there is a most beautiful view of the Firth of Forth, which, by the map, you will see is very near Edinburgh. There are very few houses in the valley between the middle and north hills. For the convenience of carriages there have been bridges erected from the south to the middle, and from the middle to the north hills; and it has a very odd effect for a stranger to look over the bridges, and instead of seeing water to see houses, and people walking about. I am living close by the College, which is built on the southern hill.

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* The late Charles X. of France.

Do you ever read poetry now?—I am afraid you have not got Thomson's 'Seasons;' but you must not forget what you were able to say so well. I shall soon be at Kirkby to hear you repeat—

> 'Heavens! what a goodly prospect spreads around,' &c.

If you have got the book, I recommend you to read it very often, particularly a passage in *Spring*, beginning with—

> 'Still let my song a nobler note assume,
> And sing th' infusive force of spring on man,' &c.

and another in *Winter*, beginning—

> 'Ah! little think the gay, licentious proud,
> Whom pleasure, power, and affluence surround.'

These passages are excellent, and you ought to be able to say them by heart.

Tell Charlotte also not to forget; I shall expect her to be able to say the 'Hermit' quite through. You can't think what pleasure it will give me to hear you both repeat these and many similar things when I walk out with you in the summer.

Give my best love to Charlotte, and believe me,

Your most affectionate brother,

HENRY BICKERSTETH.

Edinburgh, March, 1802."

It seems that he had received from his brother John some poetical effusions, with a request that he would give his opinion upon them. Though he evidently wished to encourage and refine the taste of his brother, he loved the young poet too well to flatter him; and it appears from his criticism that he had given no small attention to the lighter department of literature. His benevolent mind, too, is shown in his reflections on the cessation of the war; and his practical good sense, which taught him that the period is still far distant when all wars shall cease, is equally apparent.

Edinburgh, April 7th, 1802.

"My dearest Brother,

"My time here is now so short that unless we mean to cease our correspondence we must put an end to long intervals. For once I set a good example, and write the first opportunity. Your letter did not arrive soon enough to give me the first intelligence of peace. I was sitting in my room about half-past six in the morning, and hearing a confused and unusual noise in the streets, I put my head out of window; very soon 'Peace! peace!' and loud huzzas reached me. It was the *first of April*, and I was a little sceptical, but I immediately went out to see a newspaper. I very soon met the mail-coach drawn by the populace, and thus early surrounded, I believe, by some thousands shouting and huzzaing. After this, and reading the letter to the Lord Mayor, I was convinced that the people were not made April fools; and when I returned to breakfast I found your letter. Most cordially do I rejoice with you on this event. Let us now venture to look forward with Condorcet (p. 358); but how many centuries must pass away before the time will be realized, when 'Wars, like assassinations, will be ranked in the number of those daring atrocities, humiliating and loathsome to nature, which fix upon the country or the age whose annals are stained with them an indelible opprobrium!'

I do not shrink from my conclusions concerning Hartley. I have little doubt but he drew the same himself, for however strange it may appear it is no less certain that every moral and every religious duty must depend upon them,--the expressions, however, are harsh, and might at first make you recoil. The subject may be considered either metaphysically or physiologically, or both, which I imagine is the best manner; and as it is evident that no one can perform the most simple action without having a reason, or an inclination, or some other circumstance influencing his mind that induces him to do it, or, in other words, without having a motive for it, which motive may, even by Hartley's associations, be proved to be independent of himself,—I say, if these things be true, the operations of the mind are as certain as the formation of a cubical crystal from muriate of soda. I shall say nothing at present about the mind being material or spiritual, but for the present my own opinion is decided. Do not imagine that these views lead to atheism, or irreligion even; on the contrary they have been used as the strongest argument for Christianity; and I am clear that they lead to more sublime and elevated ideas of the supreme wisdom of the Creator, and of the order and regularity of the universe. But I have done.

Do you really call upon me for criticism? Can you bear the taunts of envy and the murmurings of peevishness? I don't doubt it, and I shall put you to the proof. The object and design of your verses seem to be to remind us of our frailty from the example of the Duke's death. But why do you address the Duke himself? Can he hear? Can he profit by the moral of your song? The first verse asks what is to be done in affliction, if youth, wealth, and honour cannot save us from dying, and if they themselves perish? What you say about youth and wealth will be allowed to be true; but honour, like the Duke of Bedford's, must live for ever. I do not understand the meaning of the eighth line, as it is situated; surely wealth is not the only bright appendage of health. The second verse I think admirable, but I ask you whether there does not appear to be a want in the sense between the sixth and seventh lines, and whether the terms 'greatest stress,' and 'prepared thy bed,' are proper and really useful, except for filling up the lines. The first lines of the third verse appear to contradict what has preceded. If Death only put an end to our misery to remove us to happiness, why is he called a 'fell monster?' If we are to return to dust, how get we to the skies?—pulverized? I am delighted with the remainder of this verse, but why should such particular stress be laid on the Duke's fate for plainly showing what is daily proved by all the world?

I am not in a capacity to show what lines are original and what strictly poetical. Excuse me for thus attempting to pluck your poetry. You have asked my opinion, and though I proclaim my ignorance, and make you smile at my ludicrous pretensions to criticism, I must be honest. I only hope you will go on, for I am convinced that there is no study more delightful than poetry; and when properly directed there are few which may be turned to greater advantage, but you must cultivate your imagination day and night.

I begin now to look forward to the time when I shall meet you at Kirkby. From what I can learn, my father has given up his intention of going to town; you will, therefore, be in Westmoreland earlier. Have you considered about a walk to the Lakes?

Remember me affectionately to my friends,

And believe me, &c.,

HENRY BICKERSTETH."

His criticisms are continued in the following letter, which also evinces his just appreciation of the father of inductive philosophy. His attachment to his studies, too, is such, that even a return to his beloved home is pronounced "grievous, but unavoidable."

"DEAR BROTHER,

"My vanity is in no small degree flattered by the complacency with which you have received my attempt at criticism, and you have encouraged me to proceed still farther, and to tell you that I am not altogether satisfied with your explanations. With respect to the propriety of a personal address in this case, I am by no means convinced—certainly it is not unusual, but have you any right to exalt any gross piece of flesh (for you will not say that it is probable the Duke's soul goes by the name of Bedford) to the rank of a *Muse*, to invoke it, and beg it for information or for advice? I still think also that your eighth line, according to its strict letter, signifies something very different from what you intend, and consequently is objectionable. Independent of the circumstances you have mentioned, do you think that 'smoothing pillows' and 'preparing beds' are terms sufficiently elevated to be close in the neighbourhood of 'guardian angels,' 'inspired hope,' and 'raptured flight to the skies?' I confess I think not. I have still one more objection to answer, and I do it by asking how is it possible that any being who deprives another of a few vain and transitory pleasures, for the sake merely of giving him immortal, indescribable, and inconceivable happiness, can be considered as a fell monster? Ought he not rather to be called the benefactor of the world, the beneficent angel who cuts the bond that confines us in ignorance and obscurity? Most assuredly: why then is Death so generally dreaded by mankind? Lord Bacon has solved the problem,—'Mortem homines timent,' says he, 'quia nesciunt ut pueri tenebras.'

This will be the last letter I can write to you from Edinburgh, and you must direct your next letter to me at Kirkby, where I expect to be even so soon as Saturday next. This is grievous, but unavoidable.

I have been seeking about Edinburgh for some weeks for Bacon's 'Novum Organum Scientiarum,' without success, and in such a case I think you will excuse me troubling you to inquire for it at some old book shops as you go along the streets. It is a small 8vo. If his book 'De Augmentis Scientiarum' be sold separate from his whole works, I should like to have that also, but I have great doubts of either of them being to be had. They are, however, worth inquiring after, for undoubtedly Lord Bacon was the man who first elevated the resplendent orb of science from amid the clouds which encircle the horizon of ignorance and superstition. This orb is now rapidly advancing along its path in the heavens, and though still o'ershadowed with a few of the black aspersions of detraction, will soon arrive at the meridian of its glory, and illuminate the whole world with a splendour of light that cannot be resisted by the darkest efforts of malignity, of folly, of superstition, or of ignorance. He it was who first taught mankind how

> 'To wander through the philosophic world,
> Where in bright train continual wonders rise,
> Or to the curious or the pious eye.
> The great deliverer he! who from the gloom
> Of cloistered monks and jargon-teaching schools,
> Led forth the true Philosophy, there long
> Held in the magic chain of words and forms,
> And definitions void—he led her forth,
> Daughter of Heaven, that, slow ascending, still
> Investigating sure the chain of things,
> With radiant finger points to Heaven again.'

Excuse me. I believe the last I should have thought of on beginning this letter would have been to give you a panegyric on Lord Bacon; but so it is, that I cannot hear the name without feeling a sort of reverence, of admiration, not however forgetting at the same time, his own instructions to avoid the absurdity of admiring former times more than our own.

I am happy to hear that Dr. Garnett is recovered and has resumed his lectures. If he is spirited enough I am sure he will do a great deal of good, in calling the attention of the good people of London to an important subject which they have so long and so shamefully neglected. You have not told me what Blair is doing. I am not acquainted with Anthony Dent's friend, but I see him frequently. I suppose you allude to Mr. Steed, whom you met at the concert; of course he told you nothing about himself, but I have been informed that he has become a house pupil to Mr. Wilson.

Remember me affectionately to my friends, and believe me yours, &c., HENRY BICKERSTETH.

Edinburgh, April 25th, 1802."

Just before the date of the above, he had been recalled to Kirkby Lonsdale, for the purpose of attending to the patients of his father, who was desirous of spending a few months in London. He does not appear to have taken a degree at Edinburgh, perhaps in consequence of this abrupt departure. The following letter to his mother exhibits him in the amiable character of a peacemaker:—

"THANKS to Mr. Wilson that he has procured me a letter from my dearest mother. It just came in time to allow me an opportunity of ordering the pump, which I will do immediately. Why do you speak of imposing unexpected duties upon me by going to town? How happy I am that I have it in some small degree in my power to supply my father's place for a time, and allow you both the entertainment you may receive in London! I assure you this idea gives me far more pleasure than any preconceived notion of the trouble and anxiety I may experience can give me uneasiness. As I shall be with you perhaps as soon as this letter, for I hope to meet my father at Kendal on Saturday next, I shall not lengthen this letter; but have you yet, my mother, sufficient grounds to imagine that my uncle has lost any of his regard for you? His unremitting kindness and attention to me, begun and continued, I doubt not, entirely on account of my relationship *to you*, call upon me to apologize for him. The task may be difficult, but I shall not despair when I meet you. His tendency to procrastinate is known to all his friends, and when procrastination is once begun, a thousand circumstances conspire to continue it—dislike of apologizing, &c.

I am glad to hear that the Miss Langs have been with my sisters, as I don't doubt but they would receive benefit from them. But I would not be content to see them only as accomplished at the same age; you know I always look forward with ardour and with hope, and I am sure that by taking great pains, but certainly not without, my sisters have it in their power to become as accomplished and as agreeable as any ladies of their acquaintance.

I suppose you bring my brother back with you from London. He and I have been planning a pedestrian excursion to the Lakes, which I hope we shall, with your permission, be able to accomplish.

With best love to all around you, I remain, my dearest mother,

Your very affectionate and dutiful son,

H—— B——.

Edinburgh, Tuesday, April 27th."

During his father's absence in London he wrote to his brother John, who seems to have been his favourite, a very characteristic letter; from expressions in which, and as well as in the one to his mother, from Edinburgh, it would seem that he was addicted to the dangerous error of procrastination, at least as far as letter-writing was concerned. All of us, however, are inclined to postpone a task which we feel it is irksome to perform; and, certainly, an epistolary intercourse with friends is one of the most disagreeable occupations of life: one word spoken is worth fifty phrases written; besides, we can rarely express our feelings in writing to our own satisfaction: look and utterance are wanting to give force and energy to the words which are intended to illustrate our feeling. In a former letter to his brother he spoke of "this plaguy dislike of writing letters," and he now compares procrastination to dram-drinking, and himself to a confirmed drunkard, who cannot break through his vice except on mighty occasions. His criticism of a passage on friendly letter-writing, in Johnson, is perfectly just, and shews that fallacy and sophistication never entered into his correspondence.

Kirkby Lonsdale, June 9th, 1802.

"It is an old proverb, that ingratitude is a crime of so black a nature, that the wretch was never yet found who would own himself guilty of it; and yet, I do not feel myself chargeable with an enormous portion of depravity when I look back upon your two last kind letters and my own neglect of them. I know not how it is, but I think that, like the habit of dram-drinking, that of procrastination becomes daily more excusable in our own minds; and new reasons for continuing it arise with each goad of recollection and conscience: so that you must now consider me as in the unfortunate situation of an old drunkard, who cannot, except on mighty occasions, break through his longing desire for tippling;—you cannot be expected to excuse, but to pity; not to reclaim by slow degrees, but by a strong convulsion which shall totally subvert my present conduct.

I long to see more of your poetry, and this I am in hopes of doing when I next see you, for I am pretty well convinced that you are not one to be scared by the buzzings of a 'critic fly.' I have more than once lamented that I had nothing to place under your lash. I recollect the maxim, 'Qui alterum accusat eum ipsum intueri oportet,' and in future time I hope I shall not flinch. . . . . I have been interrupted, and on looking over what I have written, have pronounced it nonsense; nevertheless I shall send it, for between friends I think that a complete *olla podrida* should be interchanged, and nothing good or bad concealed. With these opinions you will not wonder that I have often felt the highest indignation from the recollection of the following passage in some part of Johnson's works:—'There is no transaction which offers a stronger temptation to fallacy and sophistication than epistolary intercourse. In the eagerness of conversation the first emotions of the mind often burst forth before they are considered; in the tumult of business interest and passion have their genuine effect; but a friendly letter is a calm and deliberate performance in the cool of leisure, in the stillness of solitude; and, surely, no man sits down to depreciate his own character.' What can be more fallacious or more sophistical than this? I believe it completely false from beginning to end, and trust that you will be, partly at least, of the same opinion.

I will not attempt to thank you for your trouble about Mr. De Roche's watch, or about Lord Bacon's works, with which, and of course with abundance of *le bon sens*, I hope to see you loaded when you return with my father and mother, who I expect will be at home in a fortnight at farthest.

You give me more credit about the *theatricals*, as you call them, though the Lord knows we had nothing like a theatre, than I am entitled to. It is not so easy to wean ladies from the card-table: they must leave it of their own accord or not at all.

Tell my father that I have not been extremely busy lately; as might be expected, nothing goes on very well, but nothing bad occurs. I shall write to him in a few days, as I know he will be uneasy without; but I have nothing of the least consequence to say.

'Accept of, and distribute around you' (mercy on us what a phrase!), the love of your brother,

HENRY BICKERSTETH."

CHAPTER VI.

JOURNAL OF A WALKING TOUR THROUGH THE ENGLISH LAKE DISTRICT. — PHILOSOPHIC PREPARATION. — KENDAL.—BOWNESS. — WINDERMERE.—AMBLESIDE.—LANGDALE PIKES.—RED SCREE.—THE HAPPY VALLEY.— PATTERDALE.— ULLSWATER. — DACRE CASTLE. — LODORE. — BOWDAR STONE. — BASSENTHWAITE. — BUTTERMERE. — MARY OF BUTTERMERE. — LANGSTRETH. — THE STAKE IN BORROWDALE. — CONISTON.—A FRIENDLY HOSTESS.—FURNESS FELLS.— ULVERSTONE. —FURNESS ABBEY.— REFLECTIONS ON ITS DESOLATION.—RETURN.

In July, 1802, the two brothers carried into effect a long-planned walking tour through the English lake district, and a journal was drawn up between them on the occasion. At this period it was not the custom for young men to take pedestrian tours, though of late years it has become a fashion, and a most healthful and improving one it is.

As the journal is so graphically written, and might serve as an excellent guide-book for a similar tour, I have thought it right to insert it in these memoirs.

"Our point of departure was Kirkby Lonsdale. This place we left so early as five o'clock on the 13th July, 1802. The weather had for some weeks been unfavourable, and the present aspect was by no means promising; but circumstances rendered it inconvenient for us to procrastinate our departure, and we therefore philosophically determined, if the weather proved good, to enjoy it; and if bad, to disregard it. In the latter case, indeed, we had this consolation, that part of our route at least might be the more interesting, and the cascades would certainly be seen in perfection. Thus fortified internally, we took little precaution for external defence. Our whole luggage consisted of a change of linen in our pockets, and although the morning lowered, and clouds overshadowed the hemisphere, we were not discouraged; a gleam of sunshine enlivened the prospect, and a hasty breakfast, which we procured during a shower of rain, at a miserable inn on the road, enabled us to reach Kendal soon after nine, in good spirits.

Kendal is well built, and has the appearance of a populous town, which in fact it is, though the surrounding country has little to boast of, being, in general, barren and uncultivated, with very few trees, and many bare walls. Here we provided ourselves with a map (an indispensable requisite for the tour we intended to make), and Horsman's Guide. Without further delay we proceeded towards Bowness, across dreary commons and moors. An eye accustomed to a rich, fertile, and well wooded landscape, must feel in a very strong degree the contrast of a prospect like the one now before us. Sometimes not a tree or a hedge to be seen; now and then we discovered a miserable cottage or two, embosomed in valleys formed by barren circling hills, with half-a-dozen green fields, and about as many trees. These served to suggest some ideas of civilization, of which in many parts we entirely lost sight. After pursuing this track for about seven miles, the mountains at every step becoming more formidable, we suddenly, by direction of our book, left the road, and turning to the right, at a short distance, came to Young's station for viewing the Lake of Windermere, which here burst upon us in full glory; for some moments we were lost in the magnitude and grandeur of the scene. We had left wilds and deserts, barbarian regions, the abode of everlasting sterility and solitude; here, all that the most luxuriant imagination could invent, was pictured by Nature, an extensive lake, skirted with the richest woods and verdure, and spotted with green tufted islands. Of these the principal, Mr. Curwen's, distinguished by his romantic mansion, seemed to stretch across the lake. Underneath, at our feet, lay the village of Bowness, its white steeple towering above the cottages. On the opposite side, the range of Furness Fells, which conceal Hawkshead, bounded at once the horizon and the view. After we had enjoyed ourselves in this delightful situation, we descended towards Bowness, which we soon reached. We had now walked twenty-one miles; it was only one o'clock, and we had suffered no fatigue which had not been amply recompensed.

As we intended to sleep at Ambleside, we ordered our dinner, for which at this early hour, I need scarcely say, exercise had given us a sufficient appetite. We went into the church, where the east window is formed of painted glass recovered from the ruins of Furness Abbey; but the fragments are so small, and so ill compacted and put together, that little can be traced of the original design. Part of a cross and some remains of the Crucifixion are discernible, but the rest consists altogether of shreds and patches, which ill repay, or rather do not deserve, the labour of examination.

The interior of the church is plain and decent, and there are two or three ancient monuments; one of the inscriptions we had the curiosity to copy. We then procured a boat and navigated the lake to Ambleside. The wind, though contrary, may be said to have been in our favour (the Irishism will be pardoned), for in consequence we tacked from side to side, every turn presenting new features in the prospect. We passed Rayrig, Calgarth, the elegant mansion of the Bishop of Llandaff, and Low-wood inn; all of them charmingly situated amidst verdant woods by the side of the lake, at the foot of which appear the houses of Mr. Law and Miss Pritchard in front of the water. The next turn gave us a view of Ambleside, interspersed and half concealed with trees, and backed by tremendous hills. Far off to the left, stood Langdale Pikes, lifting their conical heads to the clouds, and apparently forbidding all further access. We landed within half a mile of the village; the evening was uncommonly fine, and after taking some refreshment at the 'Salutation,' we walked in the first place to Stock Gill Force, a cascade worth notice, and at this time in tolerable perfection, and afterwards to Rydal, the seat of Sir Michael le Fleming, one of the grandest situations in the North of England; neither did we regret the toil of an ascent of above a mile to see the cascades in the Rydal grounds. The lower waterfall, by the artificial aid of a summer-house, and the arch of an old bridge, has more of picturesque effect than anything else of the kind.

On the morning of the 14th, our limbs invigorated, and our spirits unbroken, we began to ascend the heights of

Kirkstone. The road, if such it may be named, grew narrower and steeper at every step, and at last so indistinct, that we began to fear we had mistaken our direction. Here, luckily, a farm-house appeared, whither we hastened for information. A female, the only person to be found, seemed as ignorant as ourselves, and she referred us altogether to her husband, who, she said, was on the mountain. The necessity of the case impelled us forward, and we were soon fortunate enough to discover the farmer, to whom we beckoned over bogs, where only by marks of horses' hoofs we discovered that the place had been traversed before. This man was very civil, and even intelligent, and not merely directed, but accompanied us on our way. A tremendous mountain, of a reddish cast, hung to the left; he called it the Red Scree, and was inquisitive to learn if it was so marked on our map. From this circumstance he took us for surveyors, and we did not undeceive him, though we could not forbear a smile when he inquired if 'we planned on our own bottom, or for somebody else.' He accompanied us till we came to a road of a better appearance than we had seen since we left Ambleside, and then left us, with marks of rustic, but honest civility. We had now reached the utmost acclivity of Kirkstone, and began to descend towards Patterdale, where a valley of a most interesting kind arrested our attention,—it might not improperly have served to convey an idea of the Happy Valley—very limited in its extent, and surrounded by hills, or rather barren rocks, of a tremendous height, with a beautiful lake, called Broadwater, in the middle.

The descent, frequently little less than perpendicular, was almost as difficult as the ascent. Rills in all directions were pouring down white foamy streams. We soon reached the vale beneath, but this was not to be our place of rest; indeed, I do not believe the cottagers have the advantage of any accommodation for strangers. Everything here appeared in a state of forwardness and high cultivation, and we proceeded along a charming road by the side of a rapid stream, the feeder or rather emptier of the lake, called Goldrilbeck. Soon after we came in sight of Patterdale, and then of Ullswater.

At Patterdale we breakfasted; and after the rest of an hour, proceeded along the side of Ullswater towards Pooley Bridge, at the further end of the lake, where we proposed to dine. Among the lakes, Ullswater deserves eminent notice. The various views it presents, the simple and sublime beauties it possesses, equal claims, contribute to render it one of the most interesting of them all. Unfortunately the weather was not favourable, and we were detained among the woods by incessant and heavy rain a great part of the morning. For this reason we did not visit the cascade above Lyulph's Tower; and the same cause, though it gave a wildness and an appearance of grandeur to many of the views, made our walk less pleasant than it would otherwise have been.

At Pooley Bridge, however, we dined about half-past one o'clock, and got thoroughly dried and refreshed. From this place we walked to Dalemain (Mr. Hasell's) and then proceeded through Dacre, and past the Castle, which though only used as a farm-house, is in itself an ornamental object, and got to Penruddock, eight miles on the road from Penrith to Keswick, where we intended to have slept. But the chance of comfort here was so precarious that we were induced to make a forced march to Threlkeld, a village only four miles from Keswick. The beams of a glorious setting sun gilding the heads and sides of the mountains before us, and especially of Saddleback and Skiddaw,—the fineness, serenity, and freshness of the evening, and the sublimity and still increasing grandeur of the scenery, all conspired to make us less sensible of fatigue, and we reached Threlkeld soon after ten at night, having walked this day thirty-three miles. A great part of the way we had the society of a person whose conversation was far superior to his appearance. Among other things he was a dabbler in politics, which however he only knew at second-hand, having heard so and so, from the news readers.

We rose at seven; it was a heavenly morning, and we reached Keswick soon after eight o'clock, where we breakfasted. We devoted an hour to Mr. Crosthwaite's museum, and that we might enjoy a long walk, ordered our dinner at five. We first went to Castle Hill, from the top of which the lake and vale of Keswick appeared in a sweet point of view. We then proceeded to Lodore. This waterfall, notwithstanding the wet, was not seen to great advantage, and we soon left it, to enter the straits of Borrowdale. We passed Grange Bridge, and reached Bowdar Stone, where Mr. Pocklington has built a cottage, and, agreeably to other specimens of this gentleman's taste, a building with something like a spire, which he has called Bowdar Stone Chapel. Our search was, however, rather directed to natural curiosities, and we contemplated this amazing fragment with something like terror. 'In winter,' said the old cottager, 'this is a fearful, place;' after a frost, pieces of rock from the mountains are perpetually falling down, and threatening with destruction whatever may oppose its progress. The old woman showed us impressions of something like a cow's hoof, and some other remains which she called the devil's club-foot, and pike-staff. This was the first trace we had of superstition, but the old woman seemed religiously to believe all she told us. After another glance still deeper into Borrowdale, we returned by the way we came, and, having dined, went to look at Hutton's Museum, where we saw and admired some beautiful specimens of a mineralogical collection.

The next morning we were up betimes—our object was Buttermere. In our route we had a fine view of the expansive lake of Bassenthwaite, from which we soon turned to the vale of Newlands, not without having got into a wrong path, and wandered a mile or two out of our way. The vale of Newlands will interest all who delight in retiredness and quiet. Not a breath, not even the gurgling of a rill, disturbed the deep serenity of the scene. It was a stillness which it is now as difficult to describe, as it then was impossible to resist its influence. We were soon to leave it for other scenes, and were now called upon to toil up the ascents which concealed Buttermere—Newlands Hawse. The road was at times dreadfully steep, and this part of our walk was tedious and uninteresting; but Mary Robinson was in our view, and the thoughts of her gave us new ardour and new strength. At length we began to descend towards Buttermere. We passed the chapel, whence issued a heap of schoolboys, who stared with gaping wonder at the novel sight of strangers. We soon reached the only inn of the place, which is kept by the father and mother of the Beauty, or as she has since been named, the Grace, of Buttermere. Breakfast, and her attendance, restored us to our usual strength. We went in search of Scale Force—a cascade wonderful chiefly from the extent of its unbroken and perpendicular fall. We bathed in Crummock lake, which refreshed us both. After dinner we walked along Buttermere lake, and climbed up one of the hills which seem to support Honister Crag. We got up with some difficulty, but the descent had not entered our thoughts, and to walk down we found it utterly impossible. What was to be done? The hill was verdant and tolerably smooth, so down we lay upon our backs and slid along with tolerable ease. When the acquired velocity became unsafe, we stuck our heels in the earth, which checked the speed, and at length we reached the level in safety.

We slept at Buttermere, and were to have left it at six in the morning, but the rain descended in torrents, and there we were confined till eight. But could it be called confinement, to be detained with, and to be waited upon, by Mary of Buttermere, whose elegance and grace were only to be equalled by her humility and attention, and whose manners are calculated no less to excite our admiration than our affection and esteem? There is a delicacy and sweetness in her deportment, chastened too, by an appearance so pensive, and yet so full of cheerful resignation and contentment, as to make her an object of the warmest interest; and he must either have a heart more insensible than adamant, or of the basest profligacy, that could be unmoved by, or would dare to attack her purity. More, much more could I say, but why should I prolong the account? Who that has seen, is not interested in the fate of the Buttermere Beauty,* and who that has not seen her, can receive by words an adequate representation of her? Her kindness to us in particular filled us with gratitude. When she heard of our intention of traversing the 'Stake' in Borrowdale, that tremendous Alpine pass which is characterized in that country by the title of a 'blindly roughly road' (a blind rough road), she begged she might pack up for us some hung beef, and biscuit, which she did, and which we afterwards found of essential service. About eight the clouds in some measure dispersed, and the weather, though by no means favourable, became clearer. For the last half hour we had been watching the motions of the clouds upon the mountains, now enveloping the whole, now gradually rising, and giving full scope to our view. We left Buttermere with regret, and shall both of us long retain a grateful sense of Mary Robinson's attention.

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* The story of Mary of Buttermere is told in most of the Guide Books of the Lake District. After the death of her first husband, she returned to her native place, and married a farmer in the neighbourhood. She died a short time ago, leaving a number of children and grand-children.

We walked to the end of Buttermere Lake; then having sought in vain for a guide, we got what additional information we could, and leaving Honister on the right, we made towards Seatoller, a distance of at least six miles, between vast mountains, apparently formed of fragments of rock, and without the least sign of herbage or cultivation. We passed some slate quarries, which were not then open. At Seatoller, a village well wooded, and affording an agreeable contrast to the wilds we had left, we made further inquiries, and after a pleasant walk of about a mile, arrived at Stonethwaite, the last point before we were to pass the Stake. On asking what distance we were from Coniston, we were answered, 'full four hours,' no bad method of calculating sixteen miles in countries where the distance can only be determined by the time, and no great encouragement, by the by, for utter strangers in that neighbourhood like ourselves. We rallied our spirits, and with what strength we could muster, began to trace a path often scarcely discernible, and not unfrequently confounded with the course of a brook. Then we held on till we reached a kind of valley of tolerable extent,* encompassed by vast hills 'on all sides round,' excepting only the place where we had entered. After contemplating this scene for a few moments, and being on the point of returning, from an idea that we must have mistaken our route, we espied, at no great distance, a shepherd, whom joyfully we hailed. After directing our attention to the side of a cascade, which poured down one of the opposite mountains, we were informed, by the side of that cascade was the track which we were to follow. He seemed surprised to find us so unacquainted with such a country, whither we had ventured alone, and confirmed the assertion of its being 'a blindly road.' To that cascade we hastened, and then, indeed, discovered what we had to accomplish. To return would have been folly, and we thought not of it. Indeed, just then, we were greatly amused by the sight of some sheep leaping with such agility across the river formed by the cascade, as excited no trifling wonder and entertainment. As well as we could, though with very inferior skill, we followed their example. The road up the Stake, for such it must be called, is carried in a zig-zag direction—the impossibility of its being continued in any other way is evident; with much fatigue, and after several intervals of rest, we reached the top; still the road retained its character,—often, indeed, it was nothing but the boundary of a beck,* which flowed for the space of a mile and a half, or two miles.

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* The name of this valley is Langstreth. It was unaltered in its character when traversed in 1848, by one of these travellers, accompanied by his wife and daughter, on mountain ponies.

We walked on the top of this extensive 'Stake,' but all this journey was the very opposite to level. When, however, we got a view of the declivity, we forgot our fatigue in amazement. It was dreadful, even far more so than the ascent. With the utmost caution, which our situation absolutely required to preserve us upright, we descended a track rougher than any we had ever before beheld or heard of. Hitherto we had refrained from the biscuit and beef; at the

* The name for a small stream in the north of England.

bottom of this tremendous precipice, however, we sat down by the side of a stream and shared Mary's supply, which we did not suffer to be interrupted, though it was soaked, and we were thoroughly wetted by a shower of rain, which was heavy enough completely to drench us. We did not move till we had finished our repast, and then the rain was over. The sun dried our clothes, and as (by what I believe is a rare example) we were disappointed of shelter at [word illegible] we proceeded through Langdale, betwėen and over the Pikes, through a wild, but by no means uninteresting country. A few miles before we reached Coniston it became more and more cultivated.

We passed some most beautiful sequestered cottages, and reached Coniston about four o'clock. The good landlady lifted up her hands and eyes when she heard from whence we had come, and while dinner was preparing she produced some preserves and milk, and bread, being sure we must be famished, and taking care to inform us that these articles should not be charged in the bill. We dined heartily, forgot all our toils, and remembered only what we had enjoyed. The honest but blunt rusticity of our present attendant, could not but remind us, indeed, of the gentle civilities we had experienced at Buttermere. An evening walk by the lake of Coniston and to Waterhead filled us with that sort of satisfaction which comparative rest and quiet were calculated to excite, and we retired to repose with serenity and cheerfulness. At this inn I had the misfortune to sleep in a room, the window of which had no casement, or means of being opened—a case not uncommon in country villages, and extremely unwholesome—the consequent closeness occasioned interrupted sleep. A hearty breakfast! When the bill was presented, our hostess, whose charges were as moderate as she seemed to fear they would be found exorbitant, desired us to deduct whatever we thought unreasonable. We assured her of our perfect acquiescence and satisfaction, and took our following route by the side of the lake, towards Penny Bridge.

Coniston Lake differs chiefly from all other lakes in its surrounding accompaniments. Furness Fells, which bound one side, are neither lofty nor rugged; and though above the village of Coniston there are a few hills of magnitude, yet the general features of the country are fertility, cultivation, and civilization. On such a scene the eye reposed with placid and new delight; and our walk to Penny Bridge, an interesting spot, and from thence by an arm of the sea to Ulverstone, was wanting neither in beauty nor interest.

At Ulverstone we got some refreshment and hastened on for Furness Abbey. The redness of the earth, occasioned by the iron ore which abounds in this part of the country, presented a remarkable but not a pleasing novelty in the landscape. At the inn at Dalton we proposed to dine, and luckily fell in for a share of a Sunday dinner. Furness Abbey, about a mile and a half further, we reached early in the afternoon.

Perhaps there is no object so interesting or so calculated to produce reflection as a magnificent building falling to decay. The instability of human grandeur, the imperfection of human labour, and the vanity of life itself, are set as it were before us in striking colours —here the slow and almost imperceptible hand of Time displays its mighty and invariable power. The generations of men pass silently away, and their works soon follow them, crumbling like the hands that raised them into dust. If these sentiments rush upon the mind on contemplating even common ruins, how is the effect heightened on beholding the decay of a temple erected in immediate honour of the Deity himself—of Him, with whom, we are told from the highest authority, there is neither variation nor decay! Furness Abbey, whose vaulted roof once rung with the praise of Heaven, is now the abode of birds and reptiles. The pavement, which once reverberated the footsteps of piety, is now overgrown with nettles and nightshade; and the high altar itself, formerly consecrated to the holiest of uses, is now become open to that vast expanse, and the same praise is now reiterated by the warblers of the forest.

The close of our tour.—We took places on the top of the Ulverstone coach; we passed in safety the first branch. Just as we reached the second, or Lancaster and Milnthorp Sands, the rain came down in torrents, and continued without intermission till we reached Hestbank. Totally defenceless and without remedy, sometimes we made light of our situation—we laughed, we sang—and at others we mourned and complained. All availed not. At Hestbank we got a fire and dried ourselves. Our linen in our pockets was wetter, if possible, than what we had on. The change truly had been from bad to worse. I bathed in the sea, which was, perhaps, imprudent, and the fatigue I felt during this last walk was, perhaps in consequence, more than I had felt before. It was, however, a long walk, and for many miles there was little to interest us. Our spirits revived as we drew nearer the end of our journey, and we reached Kirkby Lonsdale about seven in the evening, having travelled in all one hundred and eighty miles, of which we had walked one hundred and fifty-eight. To say that this was performed without fatigue would not be true; but to say that it was attended with more than we were fully equal to, or than was abundantly compensated, would be decidedly false. We had no reason to complain of our treatment at the inns; but this, we believe, may be laid down as a maxim by all travellers to the Lakes—where the charges are highest the attention is least, and *vice versâ*. This would certainly be an argument in any future expedition for generally frequenting inns of inferior note, where attention and civility would compensate for homely fare and rustic simplicity, besides the advantage of gaining further insight into the habits and manners of a people celebrated hitherto for integrity and honesty."

CHAPTER VII.

CORRESPONDENCE WITH DR. HENDERSON.—THESIS ON THE VITAL PRINCIPLE.

I HAVE already stated that during his residence in Edinburgh Mr. Bickersteth acquired the friendship of several men of his own age, who have all more or less distinguished themselves in various professions, or in literature; amongst them I have named Dr. Alexander Henderson, with whom he kept up for many years an interesting correspondence on physiological and other subjects.

Soon after his return from the pedestrian tour, the journal of which has been just given, he wrote to Mr. Henderson from Kirkby Lonsdale in anything but a healthful tone of mind. He was evidently disgusted at being removed from the studies and friends he loved at Edinburgh to be buried alive in a remote country town, and chained to the mere *practice* of a profession he absolutely disliked. His mind was constituted for the higher flights of reason; he was not content to receive the dicta of any set of men without inquiry and proof; he wished to know the why and the wherefore before he gave his assent to any proposition. His mind had been imbued with the philosophy of Bacon, and he proposes to his friend the adoption of a plan for their correspondence on scientific subjects, founded on that great thinker's 'Exempla Antithetorum' in his work "De Augmentis Scientiarum."

Kirkby Lonsdale, Aug. 9th, 1802.

"The chain is broken—this stupor has at length become intolerable, it is impossible any longer to rest in an inactivity which produces continued remorse and uneasiness. What disease is more dreadful than *ennui*, what disorder more frightful than idleness? Once more let me emerge from gloom, from darkness, and stupidity, and gain a distant glimmering of light and of life. I am shocked and disgusted with the paths I have traversed, and mean, if possible, to commence a new one, and in order that I may render permanent and effective those intentions which might otherwise be but temporary, devious, and uncertain, I take up my pen to address my friend after an interval which it would be vain in me to attempt an apology for, but which I am sure would be readily excused were but half the incumbrances I labour under known. How mistaken was my friend when he expressed his conviction that my resolution would be adequate to ameliorate my situation,—far from this, alas! I have, on the contrary, been plunged in apathy, deserted by energy, and sometimes lost in despair. I have no right to trouble you with my complaints, and shall, therefore, not proceed to unfold the long list which lies upon my mind. I cannot sufficiently lament the loss of pleasure and information I have experienced by not writing to you sooner, and perhaps I ought to be punished by a reciprocal neglect; nevertheless, I have the presumption to believe that you will be lenient, consider all circumstances, and soon favour me with another letter, which I beforehand promise shall not be so ungratefully treated as your last.

I was highly gratified with the parallel you drew between our characters, and sincerely wish I was more worthy of it—where now is the ardour which I believed myself to possess, where is the enthusiasm which I hoped would have borne me over all difficulties? They are fled, and have left nothing within me but what is vapid and irresolute,—all the failures of my visionary schemes which I have experienced, all the rebuffs I ever met with from superior intellectual abilities, never gave me so contemptible an opinion of myself, as the apathy in which I have spent the last three months. I have found the attempt to draw energy from future expectation vain and futile, and am now more than ever convinced of my being entirely the creature of present circumstances. I find myself again beginning to complain, although I had determined to avoid it, but my heart is full, and you must excuse me.

If I had not been completely senseless I should long ago have eagerly accepted your kind offer of a free and unreserved communication of the fruits of our studies. I flatter myself that I am now just peeping from the dungeon in which I have so long vegetated, and I grasp the proposal as a most powerful auxiliary. I have even been considering of the best and most practicable means of putting it into execution, and shall now lay before you that which I think is most likely to be useful, and wait anxiously for your opinion of it. You are, I believe, well acquainted with the 'Exempla Antithetorum,' in Lord Bacon's work 'De Augmentis Scientiarum.' In my opinion they cannot be too much admired. It appears to me that in no other way could so many materials for thinking be compressed into so small a space, or could so fair and impartial a view of the subject be given, and I beg leave to propose the adoption of a similar plan in our correspondence on scientific subjects. It would not, I think, be very difficult to form such a table of the *pros* and *cons* on any speculative point as would be compressible into the opposite sides of a long sheet of paper; at the end of each argument the name of the author should be inserted, together with the book in which its illustration is to be found, by which means we might not only increase our actual information, but likewise our means of acquiring more; I would have a stated time previous to which a table on the same subject should be drawn up by each of us; let a short recapitulation or summing up of evidence, as it were, be added to each, and let them be sent off from our several homes on the same day; the times may be appointed long before, as, if you like it, the tables might be sent off the first of every month—the subjects might be appointed in rotation, or why not venture upon a whole course of physiology, according to Mr. Allen's arrangement? You see what a tremendous scheme I have in contemplation; I entreat you to give me your opinion of it as soon as is convenient to you, and in order that no time may be lost I take the liberty of mentioning the 'Vital Principle' as our first subject. If the plan meets your approbation I will endeavour to prepare a table on this subject by the 1st of September, and after a first essay we shall be better qualified to judge of the propriety of carrying on the scheme.

The catastrophe which befel the main-spring, when about to project the long-expected original genius, was truly lamentable. I grieve sincerely at the loss the world has sustained, and sympathize with you at the disappointment you must have experienced—*Vanitas vanitatum, omnia vanitas.* I have understood that this essence of vanity, this votary of fashion and caprice, this caterer of new-fangled opinions, and patcher up of old ones, this affecter of familiarity with great names, is now in London. Poor fellow! let him wheel his idle maze; time will come when his glory will be extinguished like the snuff of a candle, and people will be astonished that so much stench should be concealed beneath such a show of brilliancy.

I need not say how much I am rejoiced at any good fortune having happened to Mr. Allen; sincerely do I wish it may be productive of permanent advantage to him. How does Mr. Thomson get on with the lectures? we had a scheme of corresponding about them; my unaccountable negligence has deprived me hitherto of the information I should have received from you, but I hope that it is not entirely lost.

Adieu, my friend; believe me yours very affectionately,
HENRY BICKERSTETH."

It is very much to be regretted that Mr. Henderson's reply to the foregoing letter is not preserved; it produced, however, the following answer, in which Mr. Bickersteth sends his first 'Antitheta' on the vital principle. It affords a fair specimen of his mode of dealing with a question at that period of his life; and it will be allowed to show an amount of metaphysical research very unusual at so early an age.

Kirkby Lonsdale, Aug. 27th, 1802.

"MY DEAR HENDERSON,

"The promptitude with which you have answered my long-delayed letter, your ready compliance with my scheme of correspondence, the useful information you have given me, and above all the interest you express for my welfare, call for no common acknowledgment. As the fruit of your friendship I receive your kindness with the most heartfelt satisfaction, and beg the continuance of it, as a principal constituent of my happiness. On the opposite pages of this paper I have sent you my table, in full confidence that you will excuse its imperfections. It would require a very tolerable share of presumption in me to contrast my 'Antitheta' with my great model,—be assured no such absurd idea entered my brain. I am only afraid that I have not accomplished what I intended, and that my table is more in the style of some parts of Belsham's Elements—of this you must judge of the propriety. I have given the opposite arguments as near as possible in the words of the authors, which I think is fairest; for Keil's opinions I am altogether indebted to you. I shall wait with some anxiety for your animadversions, and request you to name the next subject, and the time by which it is to be prepared. I shall be from home during the next fortnight, but after that time all my leisure moments, which I am sorry to say are but few, shall be devoted to it.

I shall receive with the greatest pleasure your references from Allen, and any observation on Cretinism, and shall be particularly obliged to you for anything new he has said on Hearing. I believe you know I am much interested in this last subject. I have to express the shame I feel at giving you all this trouble, whilst my situation debars me from making any return. How good to get me the 'Novum Organum,' my brother has been trying in vain for four months in London; the prize is to me too valuable, and the offer made by too dear a friend to make me delicate in accepting it. I know no other conveyance than the mail from Glasgow, if you could conveniently get it thither; if not, be kind enough to send it to London, where I shall be in November. I am delighted with your account of Soemmering's plates, and long for an opportunity of seeing them. You just mention Walrond, which makes me hope he is well. I wrote to him on the same day I last wrote to you, and on account of my long silence am afraid he is offended; till I hear again, give him my kindest regards. I entreat to excuse this abominable scrawl, which is written in great haste, as I am going from home in an hour; I shall order it to be put in the post-office on the 1st of Sept. that we may *start fair*.

Believe me your very sincere and affectionate friend,

HENRY BICKERSTETH."

VITAL PRINCIPLE.

I.

Pro.—*The vital power is totally distinct from organization* (Ontyd).

Con.—We are unable to arrive at the origin of life, and have no other source of information than the structure and composition of the body (*Cuvier*). The foundation of life consists in the whole materials of which the body is composed; in the form and mixture of all that is visible and invisible (*Keil*).

II.

Matter is essentially inert.

All we know of matter is active powers, and all improvements in philosophy, and particularly in chemistry, tend to confirm this doctrine and extend our knowledge of the energies of inanimate nature (*Belsham*). Matter is nothing else than a power, and its accidents are its actions; its existence, its action, and its determinate existence, its determinate mode of action (*Keil*). The whole mass of matter, of which all the bodies of the universe are composed, consists of an exceeding great, yet finite number of simple, indivisible inextended atoms. These atoms are endued with attractive and repulsive forces (*Boscovich*). *Cæteris paribus*, the *vis inertiæ* in all bodies being more or less, just as you concur with or contradict the action of gravity upon them, seems, in fact, to be no other than a consequence of their gravity (*Jones*).

III.

The two principal characteristics of the vital powers *consist in the capacity of a living being to receive impressions from stimuli, and react upon them according to its laws, which are distinct from those of chemistry, or mechanics; and, secondly, in the power of organized bodies to change usual affinities and combinations in such a manner that very different affinities and combinations are produced, by which new products, forms, and creations are rendered possible, of the nature of which we can find no traces throughout nature, except in living beings* (Ontyd). *If chemical laws only operate, it is necessary that one aliment must contain an infinite variety of materials, how else could bones, muscles, nerves, &c., be formed from the same food, or how could fishes be supported for years by pure water* (Dumas)?

Living bodies present to us a continual circulation of molecules from without inwards, and from within outwards, which is constantly kept up, and nevertheless confined within certain limits (*Cuvier*). The peculiar powers of animal bodies are merely the results of their peculiar materials. Cohesion, gravity, elasticity, chemical attraction, &c. are peculiarly modified in the animal body, because they take place in a peculiar species of matter (*Keil*). In organized substances, when the divellent affinities are about to overcome the quiescent, they exceed the latter but little, hence the easy changes in the animal body; but the quiescent must in a great degree exceed the divellent affinities to keep the body undecomposed. From these peculiarities trivial circumstances effect decomposition. Chemical laws in animal bodies are modified by the addition of new agents, by the fluids passing through tubes of different lengths and diameters, and with different velocities, by pressure, &c. Is it possible to suppose that the body being alive will prevent its decomposition when the divellent affinities are superior to the quiescent (*Allen*)?

IV.

As soon as the vital principle ceases its action death ensues, and the parts of the body enter into their proper combinations.

The living and dead bodies are under different chemical circumstances as to motion, heat, addition of new agents, &c. (*Allen*).

V.

By law we understand a classification of similar successions of phenomena: the phenomena of living bodies are totally different from any other, consequently ought to be classed under a separate head (   ). Besides, none of the general laws of the universe will in the least account for the peculiar phenomena of life:—1. *Power of resisting external agents.* 2. *Assimilation,* 3. *Irritability.* 4. *Sensibility.* 5. *Preservation of an uniform temperature, &c.* (Dumas).

The failure of physiologists in connecting the phenomena of living bodies with the general laws of the universe ought not to make us conclude that they are of a different order, because our analysis of animal substances has hitherto been imperfect, and we are only acquainted with the more sensible and grosser parts of the body (*Cuvier*). What appears very wonderful in nature is the composition of organic bodies, but if we consider that particles may be so formed that they may repel some and attract others, the whole of vegetation, of nutrition, and of secretion, may be understood, and follows from our system (*Boscovich*). Each part of the animal body forms and preserves itself by its own peculiar energy; its connection with the other organs is merely the external circumstance necessary for the exertion of its powers. The addition of a foreign substance to an animal body, and the appropriate formation of a substance thus added, is a peculiar crystallization of animal matter, the chief type of which is the fibre. There may be many subtle particles in animal bodies with which we are unacquainted, and which are the cause of many phenomena, and these substances may be rather added to than combined with the grosser materials (*Keil*). There may be in nature a thousand examples of a mechanical agency where the particular manner of it hath not yet been discovered, nor the subject, perhaps, ever examined with such a view. To conclude that there can be no material agency where it does not discover itself to the organs of the body is rather too hasty. If the parts of a man's body were of the substance of iron, and put together in the same manner, he would probably feel the cause of magnetism as plainly as he now perceives the heat of the sun's rays, or the blowing of the wind against his face (*Jones*). There appear to be four methods by which animal bodies may be penetrated by external things:—1. By their stimulus; 2. By mechanical attraction; 3. By chemical attraction; and, lastly, by influx without mechanical attraction, chemical combination, or animal absorption, as the universal fluids of heat, gravitation, and electricity, and, perhaps, of *other ethereal fluids yet unknown* (*Darwin*).

VI.

The changes which living beings continually experience, the different capacities and powers possessed by the numberless beings which fill the universe, and those particularly which relate to their forms and modes of existence, plainly manifest that they are governed by their exclusive laws depending upon the class to which they belong, and that the organized matter of which they are composed has very different properties from those belonging to dead matter in its natural state (Ontyd).

The chief circumstance which distinguishes animate from dead matter is its power of assuming a peculiar form (*Keil*). The reason of the mode of existence of each part of the living body resides in the whole, whilst in dead matter each part has it in itself (*Kant*, *Cuvier*). The peculiar collection of the materials of the body in various animals, must give rise to their peculiar properties ([illegible]). See III.

VII.

The universality of the rule, that diversities in matter depend upon a difference in its combinations, is very doubtful (Ontyd).

How can matter undergo any diversity unless there be some variation in the arrangement or proportion of its particles?

VIII.

If the blind laws of chemistry only operated on animal bodies, they would fail of producing that order and regularity which is observable in the organs of animal *bodies; the essential traits of organization would be wanting, and the only effect of mere chemical motions would be accumulations of water, of salt, and of resins* (Dumas).

An organized being is only produced from another organized being. The cause of this law is founded partly on the necessity of a nucleus to which the extraneous materials may attach themselves; partly on the necessity of a peculiar substance for deposition, which is never produced in inanimate, but only in organized nature (*Keil*).

IX.

Chemists frequently mix very different materials, exposed to innumerable attractions, and the most opposite actions both of chemical and mechanical laws, yet they have never produced the least token of organization or vitality (Ontyd).

This argument is altogether futile, unless it could be satisfactorily demonstrated that every possible variety of the combinations of matter had been formed. See VIII.

X.

Because it is allowed that specific combinations, and organizations, and specific powers acquire new relations, and that a change in the first is followed by a corresponding change in the other, we are not entitled to conclude from hence that the former is the cause, and the latter the effect. Such combinations may only be considered as conditions sine quâ non (Ontyd).

When two or more phenomena are observed to succeed each other constantly in the same order, the antecedents are termed causes; the consequents, effects. With the restriction of the possibility of Divine interposition, it may be allowed that constant conjunction implies necessary connection (*Belsham*). Conditions *sîne quâ non* must therefore be considered as causes.

XI.

The chemical physiologists confound the first principle of life and the immediate causes of the appearances of vitality in organized beings (Ontyd).

In searching for the origin of living powers, we are only able to arrive at the body of the parents in a uniform succession to the origin of the world. There is no living being which did not formerly make part of another one (*Cuvier*). See I. and VIII. Two substances which have no common property between them, can have no effect upon each other (*Priestley*).

XII.

If the chemical doctrine was allowed to be true, it would be of no use in explaining the phenomena (Ontyd).

It teaches to search for the explanation of phenomena in the structure and composition of the body, and not in an unknown principle of the properties of which, abstractedly considered, we are entirely ignorant. See V.

CHAPTER VIII.

LETTER TO MISS BATTY.—ACCIDENT TO HIS MOTHER.—LETTERS TO MR. HENDERSON AND TO JOHN BICKERSTETH.—THE VIS MEDICATRIX NATURÆ.

THE following letter to his cousin, Miss Batty, contains an allusion to her brother Robert's want of fondness for drawing; and at the same time it speaks in rather equivocal terms of Mr. Garnett, who was to give him instruction. A cool or indifferent preceptor is certainly not calculated to produce an accomplished pupil, such as Robert Batty proved himself in after years. His love of the art must have increased as he grew older, for he subsequently became an exquisite draughtsman, and many of his drawings were thought worthy of publication.

"MY DEAREST COUSIN,

"It was my intention to have written to you more than ten days ago, and my brother will tell you by what provoking circumstances I was twice prevented from performing my promise. I have to return you a thousand thanks for the many very nice letters which you have sent me, and ought to make a number of apologies for not answering them more regularly, if I was not sure that you would excuse me quite as much without.

A Mr. and Mrs. Martineau, together with a young lady who I thought was Miss Martineau, and a little girl, were passing through Kirkby, in their way to the Lakes, on Friday last; they called upon us; they were all well, and said they had seen my uncle on the Monday before; they wished to be remembered to you all.

Your brother Robert is very busy with his books and his plays, never being a moment idle; he is becoming every day a greater favourite with Mr. Dobson, and is certainly very much more fond of reading even at home than he used to be. He was much pleased with his optical cards, and although he has not made much use of them yet, I think that in a short time they will be of very great service to him. He is very ingenious, as you will see by a small electrical machine which he was able to make without any assistance. When he heard so much of Mr. Garnerin's balloon, he was very anxious to make one of a small size himself; but he has not yet been able to obtain materials.

Since I wrote to your father, a brother of Dr. Garnett's has begun to teach drawing at Kirkby, and Robert is a little, not very, desirous to learn, but I thought it best to ask my uncle about it first. Mr. Garnett has been a year under the tuition of a Mr. Green, who engraved the views in Dr. Garnett's 'Tour to the Highlands,' and those miserable views which he himself took of Kirkby-bridge and from the churchyard. Mr. Garnett, of course, does not excel his preceptor, so that he would not seem to be well qualified for the situation he has undertaken; perhaps, however, he may be able to teach the mere rudiments, and if your father is not afraid of Robert's getting into bad habits, he might, probably, learn to be more fond of drawing than he is at present. We shall wait for your answer.

Tell your father I am studying Greek as hard as I can, in order that I may not stand in the very lowest rank when I get to Cambridge. I find it very troublesome, but I am determined to go on with it.

Your brother, my father and mother, &c. join me in best love to my aunt, my uncle and John, and

I remain, my dearest Betsey,
Your ever affectionate cousin,
HENRY BICKERSTETH.

Kirkby Lonsdale, Wednesday, Aug. 11th, 1802."

From Mr. Bickersteth's next letter it appears that his mother had met with a serious accident, and his devotion to her chained him to her bedside, day and night. The letter contains an interesting reply to Mr. Henderson's proposition on the *Vis medicatrix Naturæ.* It is written in a spirit as truthful and honest, as it is argumentative and reasonable:—

" MY DEAR FRIEND,

" The receipt of your letter this afternoon has filled me with the greatest confusion. I fear you will think you have very sufficient cause to be offended with me, and when you open my paper and observe no table, *justice* may, perhaps, instigate you to throw it in the fire without deigning to give it a perusal; from you, however, I hope for something more, something superior and kinder. I shall not degrade myself or insult you by whining apologies, or insufficient and ridiculous excuses. I only demand your attention whilst I a 'plain unvarnished tale unfold.'

When I had last the pleasure of writing to you, I believe I mentioned that I was going to pay a fortnight's visit at a considerable distance from home, partly from the importunity of my friends, and partly from my own inclinations, which led me to desire a protraction of the society of some very agreeable and accomplished young ladies; this fortnight was more than doubled, and although your letter was my constant pocket companion, I confess that the subject was very little in my thoughts. I returned home on Thursday last, and immediately began to arrange my thoughts on the *Vis medicatrix Naturæ;* a very melancholy and calamitous incident, however, interrupted me on Saturday. As my mother was going down a hill to a bath, about a mile and a half distant from this place, she was most unfortunately overturned and thrown from her cart down a precipice—she had very nearly lost her life on the spot. She was conveyed, after repeated faintings, to a gentleman's house close by, and there she remains still, quite unable to move without assistance, and that giving her the most exquisite torture. No bones are broken, but I am afraid that some very serious injury has happened to the pelvis, and her whole body is exceedingly bruised. You will readily suppose that I could not quit her—the anxiety I have felt for a parent whom I venerate almost more than all the rest of the world is not to be expressed. I have scarcely left her bedside; it was there I received your letter this afternoon, and for the first time was sensible of the inattention I have been guilty of towards you. I am now writing at midnight at the house where she is. I was not in bed last night, but to pass another without writing to you, would be wronging us both. My mother has to-day been declared in fair way of recovering; I am in good spirits in consequence, and will not wait even till morning.

I have no table to offer you—this is unfortunate. You have demanded my opinion of yours—this is still more unfortunate, because I cannot beg for a retaliation, but you have a right to my thoughts on the subject, and as far as the giddy and confused state of a sleepless head will allow, you shall have them. I pretend not to nice discrimination and extensive knowledge on the subject, but I do pretend to candour and honesty in relating my real opinion to my friend without disguise, and I know that he will not think my nudity requires an apology. I begin with your first argument. As Gregory has not said that *all* diseases can be cured by the *v. m. n.*, it is not, perhaps, fair to say that with such a power man would live for ever,—it may be exhaustible. Nevertheless, I perfectly agree with you that if such a marvellous power did exist, it must have a certain use, which it would without fail fulfil; this use is said to be to preserve the body, which it ought always to do, and never let it die; it is said to prevent diseases,—none ought, therefore, to make encroaches upon us. Cullen, I think, calls the *v. m. n.* a general law of the animal economy, but it is the character of a general law to be *universal*, *invariable*, and of *itself sufficient;* this the *v. m. n.* is not,—therefore its character is deficient. I perfectly agree with Hufeland, but I doubt the next observation on the healing of wounds; the rest I coincide with, and I think the whole is quite sufficient to make the sophistical observations of Gregory totter to their very foundations. I am totally at a loss to know from whence you have taken your second argument *pro.* I think it, however, completely absurd, and agree, therefore, with the first part of your *contra.* The first part of the last proposition of Keil I profess not altogether to comprehend. Does he mean that although the action of the system in any given circumstances is *necessary*, yet as these circumstances may be fortuitous, they cannot be said to be absolutely fixed or arbitrary? I will thank you to unravel this.

The third *pro* seems to me to be precisely similar to the fifth, and the fifth *contra* is a complete refutation of both, but dame Nature, even by her advocates, is often made to appear a great fool. You have adduced a sufficient number of instances to establish your point, and a thousand more of a similar kind might be brought forward. Sydenham, I believe, took his notion from the small-pox and other eruptive disorders, and the fever he considered as the effort of Nature to throw off the noxious matter; he forgot surely, that her salutary exertions frequently caused the death of the poor patient for whose benefit they were intended; she sometimes, however, appears still more ignorant and thoughtless than this. For instance, when, as Hunter says, she mends a flexible and elastic tube, which is a little weak, by putting in a layer of stiff bone—when weak valves, which ought to be tight, are mended with bone the edges of which will not meet,—but above all, I think her most ridiculous when she has the misfortune to mistake an old woman for a young man, and decorates her withered face with a graceful beard, pushes out young teeth in her crazy jaw which cannot hold them, and adorns her with many signs of virility; all of which I have heard gravely asserted by the most profound physiologists of the age.

The observation which you have attributed to Hufeland in your fourth *pro*, is very important, and has, probably, given rise to the whole doctrine; but your third *contra* shows it is not universal, therefore it must fall to the ground. I am delighted with the idea of Keil in your fourth *contra*, and do not doubt but that in time all the chimerical achievements of the *v. m. n.* will be accounted for in a manner equally simple and ingenious. The sixth argument *pro* has very great apparent weight, and certainly will have, until Physiology shall have advanced to much greater perfection; it may be held forth in triumph by the vitalists, and for a defence the chemists are obliged to shrink under cover of their ignorance. We can, however, go a certain way in obviating this strong argument; we all know how much the temperament and idiosyncrasy of individuals vary, and by consequence how much variation must take place in the effects of the agents applied to such individuals; we cannot be ignorant that the contents of the stomach and bowels are very different in different persons, and in the same person at different times; and we have not forgotten Fourcroy's sixth law of Chemistry. I do not exactly understand why you have ranked the 'improper application of remedies,' and the 'formation of new diseases,' as answers to the argument. The first is an external circumstance, the other a secondary one.

Your ninth argument I heard vociferated with great energy by Gregory; but it seems to me not to be of very great weight. Your answer, however, does not, I think, push it completely home—if it be the effect of the presence or absence of stimuli, &c., what is it that causes this presence or absence? is it the necessary consequence of the action of the morbid cause? I think so; but as the effect is salutary, are we not obliged to yield to your third and fourth arguments for the *v. m. n.?*—No: because the effect is not salutary in every instance; a thousand examples of longings and desires might be brought forward, which, if complied with, could not fail of producing the most deleterious consequences: such as the eating of chalk, dirt, paint, &c.; the drinking of ink, oil, &c., which is so ardently desired in some disorders; the violent aversion to the cold affusion which has afterwards produced the most beneficial effects, and so on without end. Nevertheless, it must be confessed, that wonderfully good effects have often been produced in this way; and we should have had more cause for astonishment if such a thing as a *v. m. n.* had not been thought of, than we have now for censure because it has been maintained with vehemence, with enthusiasm, and with obstinacy. On the whole, I think that we can only consider the *Vis medicatrix Naturæ* under one point of view, that of a general law; the strongest arguments for it are your fourth, sixth, and seventh. But they are all refuted by the *contra* side, which appears to me to centre in this, that the law is not *universal*, is not *invariable*, is not of *itself sufficient;* and, for my own part, I cannot believe a *v. m. n.* existing as a law of the animal economy till it is proved to have these characteristics. Thus have I written you my opinion on this subject, incoherently, without method, and in a hand scarcely legible. I know you would be displeased at my not writing my real opinion of your arguments—I have done it, therefore, without the least reflection or subterfuge. Although you have not given a recapitulation to this last table, I think that such a conclusion would be extremely useful, and I am very much obliged to you for the hint; but I think I was right to leave it out in the first instance, as I proposed Bacon's Antitheta for a model; that in my table on the Vital power I inserted many opinions in which I have little or no faith, I am willing to allow, and many a sophism has my model given in his Antitheta; my object was to give as fair a view as possible of the state of the question, without waiting to consider the exact degree of importance which ought to be attached to each argument; but that I ought and wish to declare my own sentiments to you at all times I openly avow, and therefore 'tis, I thank you, for the idea of the recapitulation which in future I shall always conclude with.

I grieve that I am not able to tell you exactly how long I shall stay here. My mother's confinement may detain me, but at any rate I don't think I can wait longer than three weeks; but I shall write to you, perhaps, more than once before then. I shall, of course, be in the hurry and bustle of unpacking, paying ceremonies, and God knows what about the beginning of next month; but if it be possible I will have a table ready, though I dare not promise. I have no right to propose one, but as you have declared yourself at a loss I beg leave to suggest this question—'How far does irritability depend on the nervous energy?' If this is not perfectly agreeable to you pray change it, as I have no particular predilection for it.

Accept my warmest thanks for the very interesting and useful intelligence the miscellaneous parts of your letters contain. I feel sensibly how valuable is such a correspondent, and however negligent my unfortunate circumstances may make me appear, believe me I cannot forget the many, many affectionate marks of esteem and regard you have shown me.

I am afraid I have lost Walrond. You gave me great hopes that I should hear from him, but not a line have I received. I will thank you to inform me of his plans, in order that I may make another attempt to regain his correspondence. I pray you give my affectionate remembrances to De Roche, whom I shall always esteem and admire so long as I have any regard to great ingenuity and uncommon and valuable mental acquirement. It may be a matter of some triumph to him to know that I am now *almost*, perhaps it would have been better to *say altogether*, a complete Keilian, but he deserves his triumph, although it was you that gained the conquest.

Your plots in the Society thicken of course. I shall give up all pretensions to prophecy if the 'main-spring' does not get a complete trouncing from you this winter. He has often shrunk from the force of your reasoning—more than once (aye, many more), looked sheepish and silly; and sometimes been obliged (unfortunate youth!) to clothe his eloquent harangues in such dubious language as rendered his meaning incomprehensible, but then it was harmless like the peace of God 'that passeth understanding.' Surely he is an object of pity, for what can be so uncomfortable to any man as being obliged to prostitute his precision to his disingenuousness? I fear you will think I have a most rancorous spirit to attack this poor fellow again, but the truth is that I cannot see a jack-daw in peacock's feathers without endeavouring to pluck him, and to you I can be free without danger.

I don't know whether I am justified in begging you to write to me soon. I can only say that I should be more comfortable if I knew that you heartily forgave my inattention.

Good-night, from your most affectionate friend,

HENRY BICKERSTETH.

Kirkby Lonsdale, Thursday, Oct. 7th."

The following letter to his brother John is on the subject of his mother's accident mentioned in the preceding letter to Mr. Henderson:—

"ALTHOUGH it was contrary to my inclination that you were so soon informed of the melancholy accident which has befallen my mother, yet having once heard, I agree with my father that you ought to be every day told how she goes on. I do not think that there is the least doubt of her finally recovering; but the pain which she frequently suffers is extreme, and pierces us with the deepest affliction. She has rested rather better last night, and been able to take a little food this morning; but the slightest motion gives her such violent torture that there is no probability of her being removed from Casterton for several days. The very great languor and faintness which at first alarmed us so much is now much better, and there seems to be no danger of fever. On the whole she is even better than could reasonably be expected, so soon after so violent an injury, and though her recovery may be very, very tedious, I hope there is no reason to fear its not being complete.

I am your affectionate brother,

HENRY BICKERSTETH.

K—— L——, Wednesday."

[Endorsed by Mr. John Bickersteth in pencil, "5th or 6th Oct. 1802."]

CHAPTER IX.

MATRICULATION AT CAIUS COLLEGE, CAMBRIDGE. — LETTERS TO DR. HENDERSON AND TO JOHN BICKERSTETH, DESCRIBING HIS COLLEGE LIFE.—LETTERS TO HIS SISTER.

WE must now advert to a new epoch in the life of Henry Bickersteth, the pivot on which his future greatness and fortune turned.

His name having been entered on the 22nd of June, 1802,* as an under-graduate at Caius College, Cambridge, he proceeded thither, and was elected, as was customary at that time, into a scholarship, on Mr. Hewitt's foundation, on the 27th of October following.

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* Extract from the matriculation book of Gonville and Caius College, Cambridge, between Michaelmas 1801, and Michaelmas 1802.

"'Bickersteth, Henricus, Filius Henrici Chirurgi de Kirby Lonsdale in com. Westmoriensi, natus ibidem, educatus ibidem in Scholâ publicâ sub Magistro Dobson per sexennium, annos natus xx. admissus est Jun. xxii. Pensionarius minor sub tutela Doctoris Davy et Magistri Barton, et solvit pro ingressu, 3*s.* 4*d.*

B. CHAPMAN, Master.

Caius Lodge, Feb. 11th, 1852."

He entered Caius College with the intention of studying medicine, and taking his degrees in that faculty. Dr. Chapman, the present Master of the college, understood that he was a candidate for a medical studentship in Caius College, founded by a Mr. Tancred; the value of which was 108*l.* per annum, and tenable for eight years, if appointed before admission at college.

The first term was spent, in some respects, in the way usual with all "freshmen," getting to rights, and attending lectures and chapel twice a day each. In doing thus much many think they do all, but he did something more; he determined to profit by his instructions, and anticipated the directions of his tutor by constant and severe application. He knew that his father was making sacrifices for his benefit, by sending him to the University, and was, perhaps, depriving himself and family, if not of necessaries, certainly of comforts and luxuries. So great was his zeal and ardour in his studies, that, as will be seen, a severe and even dangerous fit of illness was the consequence.

His letter to his friend Henderson, on the occasion of his going to Cambridge, shows that his ambition to attain to something higher than a mere country general practitioner induced him to decline the offer of his father's business, at Kirkby Lonsdale. Like most young men of his age, he thought that London was alone the nest for genius and intellect to thrive in, and he takes but a melancholy view of the years that must elapse before he could become a fellow of the London College of Physicians; for he did not seem to attach much value to an M. D. of Cambridge.

"My dear Friend,

"At six o'clock to-morrow morning I leave this place, and have some hopes of reaching Cambridge late on Saturday night. I go with a confusion of ideas which I can unfortunately very severely experience, but which it is impossible for me to describe. My future fortune seems to rest upon a die, and I have the utmost anxiety concerning my operations during the ensuing winter. As yet I know not what they are to be, nor shall I, probably, be able to determine anything till I arrive in London, which will not be till a little before Christmas; but I know that I am leaving home without a prospect of returning; and this grieves me perhaps more than it ought. You know my father's situation in this place, he has been established here for more than thirty years, and has repeatedly offered to give into my hands the whole of his business. Have I not been rash in rejecting a certain competency of this kind, and in choosing rather to court the whims of fortune in the metropolis? I often think that I have; but prompted by an ambition for I don't know what—longing to extend my studies to a wider sphere than I could possibly do in this place—sometimes absurdly wishing to make myself more conspicuous than I could here, and at times, perhaps, hoping to be able to do more good, I have determined to try what I can do in London. To make way for this I am going to Cambridge, where I shall have to waste about fifty weeks in the course of five or six years before I can be made M.B. At this time I shall be nominally Dr., but nearly five years more are required before I can be really M.D. of Cambridge, and qualified to become a fellow of the London College of Physicians.

The greatest part of my time will, of course, be spent in London, where I scarcely have an idea what I shall do; my chief dependance is on the patronage of my uncle, Dr. Batty, and I will take care to inform you (as you are kind enough to interest yourself about my proceedings), of what I am doing as time passes. You see what an egotist I am to get through a page and a-half about myself entirely — to nobody else would I have ventured so far, but, of course, everything I now say is *entre nous*, and I am satisfied you will excuse me.

I am sorry to say that my poor mother still continues in a very weak and uncertain state—it is only a few days since we were able to convey her home, and she is now unable to sit out of bed for more than a few minutes at one time. I hope, however, that on the whole she is recovering.

As I was lying in bed this morning forming future plans, bewailing difficulties, &c., a few thoughts on philosophical necessity recurred to me. As these were declining my eyes happened to glance on the portrait of Condorcet with which you favoured me, and which has always hung exactly opposite to me in a very conspicuous situation. I could not help comparing the two systems together. You know we have often thought that one would support the other. I think so still, but an objection which I have often noticed before struck me with new force. It is this—It seems to me clear that however true we may believe the doctrine of philosophical necessity to be, we generally (whilst about to act) endeavour to divest ourselves of it; and that we are induced to act at all, from design of producing some effect; whether this effect will take place or not we are ignorant; we are also unacquainted with the best mode of bringing about the end we wish. Hence we try different modes, and are active; but supposing the perfection argued by Condorcet to be arrived at, we should probably be acquainted with every effect that would occur, and we should now (by hypothesis) be perfectly convinced that the system of necessity was true. I know that everything must go on necessarily and accordingly I have no motive to action, except what arises from the *cœnæsthesis* so well described by Keil. Does this strike you as being of any force or consequence?

During some vacant hours of the last fortnight I have been endeavouring to investigate the moral character of Lord Bacon. It has been vilified and traduced by almost every writer who has mentioned his name. Nevertheless, I cannot help thinking that all this is mere calumny, and I have slight hopes of being able to prove it as soon as I can obtain some more authentic documents than I am already possessed of. If you have means or leisure I have no doubt you will assist in rescuing from infamy the reputation of such a favourite author.

You have given me a most contemptible idea of Kerwan's late performance. It is surely too late for him to begin dabbling in metaphysics. I can never be too thankful to you for your information on new books. You are a great deal kinder to me than I deserve. I trust, however, to my own heart; I shall not be found wanting on the score of friendship.

I shall write to you again as soon as I get settled in my rooms at Cambridge, probably about Monday next, and shall be very happy again to renew the instructive correspondence which my unfortunate situation has interrupted.

Adieu, from your ever affectionate friend,

HENRY BICKERSTETH.

I find that I am too late for to-day's post, so that I shall have left Kirkby before this scrawl, which if it be unintelligible you must excuse, on account of the haste with which I have written it.

Kirkby Lonsdale, Oct. 28th, 1802."

The ensuing letter to Mr. Henderson gives a humorous account of his first appearance at Cambridge, and his first domestic arrangements there.

Caius College, Cambridge, Nov. 3rd, 1802.

"DEAR HENDERSON,

"It was nonsense in me to talk of being settled on Monday. If I was not to write till I was comfortable it would not probably be for some weeks, but I cannot wait so long: you are expecting to hear from me, and I am longing to have a letter from you. As you know, I left Kirkby on Friday in company with two men of Jesus College, and my sister, a little girl about thirteen years old. We had a very stormy uncomfortable day, and though we travelled from five in the morning till ten at night without stopping an hour at any place, the road is so very hilly in that part of Yorkshire that we only got about seventy miles. The next day was fine, and the country flat, so that we got over more than a hundred miles in the same time. We arrived here about twelve on Saturday. I met some friends from London, who took my sister back with them yesterday, and I entered college. You would laugh at the mummery and nonsense of this place. Every student decked in a square-topped cap, and a flowing gown; such regular attendance required at chapel, and the dinner-table; gates locked upon men of sense! at a particular hour, &c. Every student has a room allotted him, but he must provide furniture himself. The whole of this day I have been buying tables, chairs, drawers, carpets, candlesticks, tea-cups, glasses, &c., bed, bedding, and jordan. Heavens! how sick I am of it! In a few days I expect my books, so that I shall be something more comfortable than I am at present without anything.

This morning I have had a glance at Scarpa's plates of the nerves. I forget whether you have seen them,—for my part I confess I never saw anything half so superb or admirable. I had scarcely an idea that the art of engraving had arrived at such perfection. How unfortunate so many should be lost? Dr. Davy (president of this college, and to whom the copy I have seen belongs) informs me that he was told by a bookseller at Florence that Scarpa originally intended his work in a great measure for the English market, that a number were put on board a ship, which was lost at sea, and in consequence there are scarcely three copies to be met with in this country. As yet I am in utter confusion, and have not the least idea how I shall be able to arrange my studies. They tell me I shall be *obliged* to attend classical and mathematical lectures, which will at least employ two hours every morning and evening; chapel every morning and evening will employ two hours more. The rest of the day I hope to have pretty much at my own disposal, and if so I shall be tolerably satisfied. About the 17th or 18th of December I shall be off for London, where I shall meet with circumstances more congenial to my disposition.

This morning I passed Paley in the street—he who made two or three attempts to speak in the society last winter, and whom we set down as a grumbler. He was so disguised in his cap and gown that I got past him before I recollected who he was. I understand that he graduated at Glasgow last spring, and chooses to be called 'Doctor.' For this he is laughed at; nothing seeming more ridiculous to a Cambridge man than a freshman having a degree.

Tell me if Bevan is in Edinburgh now. I only want to know where he is, to write to him. If you meet him, I will thank you to inform him of the unfortunate situation our family has been in. I trust sufficiently to his friendship to believe that he will feel an interest in what concerns us; and though it is absurd to tell tales of distress where they can be of no use, it is nevertheless true that we feel some consolation when we impart our calamities to our friends.

I want to ask you, how far you think that mean, abject, or even wicked actions can be justified by good motives? It would be a good subject for a table, but I have not courage to undertake a question of such import. The answer would determine my opinion of the character of Bacon.

Do you know of anybody who does, or do you write to Walrond? Is it possible for me to procure an address to him? I shall hope to hear from you soon; and for the future promise you letters less foolish or selfish than the last two I have sent you.

Believe me most affectionately your friend,

HENRY BICKERSTETH."

The following letter to his favourite brother John, during his first term, will be read with much interest. I have already called the reader's attention to the young student's great admiration of the immortal Bacon. In the letter of the 7th of November, it will be seen that that admiration had not diminished, but had increased with his knowledge of his works. The criticism on Hume is also perfectly just, and his observation on "rare Ben Jonson" is one which would have delighted Gifford, and many others who follow in his walk. His strictures on his brother's poetry are perfectly correct. He knew that poetry does not consist in a string of high-sounding, meaningless words, but in the expression of a beautiful thought in the most appropriate words, or as Ben Jonson defines it—

> "The most prevailing eloquence, and of the most exalted *caract.*"

Caius College, Cambridge, Nov. 17th, 1802.

"MY DEAR BROTHER,

"When I write letters it is always, now or never; therefore I lose no time in thanking you for your very valuable letter, which I received about two hours ago. Of course I can have no hesitation in buying the small edition of Bacon for Mr. Parker, and I am going to impose more trouble upon you: if you don't think a parcel containing the four volumes of this edition, which are already published, and the volume of 'Elegant Epistles,' would be too large to send by the mail, I will thank you to buy them, and I will pay you when we meet; and when you inform me of this I will write a letter to Mr. Parker, enclose it to you, and get you to send all together to Hornby. I should like to know, also, how many more volumes are likely to come out, and how soon. Jones, the publisher, will know this. You see how much I trust to your friendship, and write *sans cérémonie.* How shall I thank you for giving yourself so much of that abominable drudgery, transcribing? I have seen all your extracts before, except those from Hume, from Cowley, and from Jonson, which last I particularly thank you for, and beg to know from whence you took it, the book, and the page. I confess I do not understand why James could not keep both Buckingham and Bacon; it is a puzzle I have yet. If I could find the exact words which Hume has given to Bacon in your first extract, *viz.*, that he confessed he had too long neglected, &c.,—coming from Bacon himself, it would, directed to a man in whom we could be certain that he had confidence, a little shake my hopes in the success of my undertaking. Till I do see them, however, I much doubt their reality. At present it seems to me to be exaggerated from a passage you will find in the third volume of 'Seward's Anecdotes,' p. 261, where he says he is determined 'not to spend his time in particular exchanges, but to put forth his talents to monuments of perpetuity.' With regard to his ignorance of geometry, I am scarcely qualified to speak; but that he was convinced of the importance of mathematics is plain from numberless passages in his works. One just now occurs to me: ‘Multæ equidem naturæ partes, nec satis subtiliter comprehendi, nec satis perspicue demonstrari, nec satis dextre et certe ad usum accommodari possint sine ope et interventu mathematicæ; cujus generis sunt, perspectiva, musica, astronomia, cosmographia, architectura, machinaria, et nonnullæ aliæ.’ I shall not at present enter into the comparison of him with Galileo or Kepler; you already know my opinion, and the general remarks of Hume cannot alter it. With regard to his disdainful rejection of the system of Copernicus, hear again his own words: ‘Constat similiter sententiam Copernici de ratione terræ (quæ nunc quoque invaluit) quia phænomenis non repugnat ab astronomicis principiis, non posse revinci, a naturalis tamen philosophiæ principiis recte positis posse.’ If this be the passage Hume alludes to, it would surely require more license than ought to be given to translators to render the words ‘posse revinci’ into ‘rejected with positive disdain.’ As to the style of writing, Hume says elsewhere, *viz.*, in one of his essays, ‘The prose of Bacon, Harington, and Milton, is altogether stiff and pedantic, though their sense be excellent;’ but in reality, it is too much to expect that a man who wrote two hundred years after such a barbarous epoch, should have attained the ease and the grace which we find in many modern books; besides, as to style, it depends very much on taste, and Bacon would probably have thought Hume as pedantic as Hume thinks him. Speaking in general of the writers who have taken upon themselves to describe the character of Bacon, we may surely be allowed to doubt those general remarks which are unsupported by particular examples, and we must always minutely consider the political religion and moral character of the author; for men are more frequently condemned for a variation in opinion than for actual misconduct. We must also notice the period in which the observations were made. I had a hundred times rather depend upon seven lines of Ben Jonson than seventy times seven of all the authors who have written in the last century. As to Bacon's actions, we are not only to weigh his previous and present political situation, but his intentions with regard to philosophy, and the moral opinions he formed early in life; in his letters we are to examine well the character of the person he addresses himself to, and make ourselves sure what was the principal object of the letter; we may, perhaps, find it in a postscript, or in some apparently casual hit, the remainder of the epistle being a mere cloak. But of this enough; perhaps you have been long tired. You see I am not frightened; indeed your letter has given me fresh hopes of success. I expected that Birch's collection of letters would make against my opinion; for that reason I was most anxious to get it. Depend upon it I will scrutinize every line.

I am obliged to you for your extract from Hayley, with the sentiment of which I pretty generally agree. The style, though smooth and agreeable, is not altogether fitted for serious writing; it is better adapted for declamation: there is more of poetry than prose. Respecting the style of Hume, although I admire it much, I may say very much, yet I scarcely think it superior to every other. I have found a difficulty in discovering his meaning, for example, in his essay on 'Delicacy of Taste and Passion.' Now I never have had the least difficulty in discovering the meaning of Swift, of Bolingbroke, of Goldsmith, &c.

I am now going to comment on your poetry, and as I have always claimed the merit of honestly telling my opinion, I don't mean to risk my character now. If I believed your poetical talents would come to nothing, I should either be silent or lavish praise; but as I look forward to something great from you by and by, I mean to cavil as much as I can; if possible, to concentrate all the efforts of envy and ill nature in myself, and pour them upon you without mercy; so now have at you. Do not ill-starred and ill-fated mean precisely the same thing? Is it right to say that she 'is robbed of all but life,' and 'lost,' who is still possessed of innocence? Is not this contradicted by your last verse? Is it not too far to travel to Carmel and Sharon in verse such as yours, and in your subject? It may suit the grandeur and majesty of Milton, but is it proper in an address like this? 'Public fame' is a cant word for infamy, or bad fame, and though the expression is chastened by the first part of the line, it would be better to avoid a low term. By lowliness do you mean modesty? if so, you have expressed it two lines above; and the word may be used in another sense, namely, low estate or poverty, in which there is no *wonder*. You call the villain 'deep designing, masked in wealth and smiles,' 'a traitor using basest stealth;' and you compare him to the tiger, and say, 'he is rough as the sea.' I do not dispute the ideas being strictly poetical and good, but is the character consistent? Was not the fellow more like a *serpent* than a *tiger?* You have written, 'secured *his* lawful prey;' ought it not to be 'secured *as* lawful,' &c. Do you say it is being left 'helpless, friendless, and forlorn,' to be left in the bosom of her parents, in the midst of her relations. Is not a 'victim of virtue' a sacrifice in a *good* cause? I believe you mean a virtuous victim, but something else is expressed. In the last line but one you say, 'treacherous aim;' but before you have said the prey was secured — this is something more than an attempt. And is this all? yea, all which malice could effect; and now I may thank you for the pleasure I have received from your poem, which I do not admire the less because I take upon me to find fault.

Just as I had written the above, I was interrupted by the dinner bell, and since then have been so much engaged with church, chapel, &c., that my letter is too late for to-day's post. I am far from being comfortable or settled yet. My books are not yet arrived, so that I am still very ill off; a greater part of my clothes too are on the road. Lectures on Euclid began yesterday, and will be continued every morning, but Sunday and Thursday, till the end of the term. Classical lectures begin on Tuesday evening, with the Medea of Euripides three evenings in the week, and Greek Testament two. The lectures are conducted in the form of examination. I have not heard a word from Kirkby since I saw you, and begin to be anxious to hear how my mother goes on. You are hearing almost daily; I beg you always to inform me when you write.

Give my best love, &c., to those around you, and believe me, yours ever,

HENRY BICKERSTETH."

A letter written shortly after to his friend Henderson, shows his increasing admiration for the immortal Bacon, whom he certainly considers as a model for imitation, and it is curious to observe in how many particulars their characters assimilated.

There is a tradition in his family that Mr. Bickersteth made some discovery in the nervous system: I have not been able to substantiate this belief; but it is evident from this letter that he had paid considerable attention to the subject:—

Caius College, Cambridge, Nov. 22nd [1802], late at night.

"MY DEAR HENDERSON,

"I never regret my separation from you so much as when some scheme is proposed, the discussion of which requires a frequent and continued interchange of opinion. Such a plan of physiological education as you mention in the letter I received from you this morning, has more than once occurred to my own mind; I have revolved it again and again, but have never ventured to arrange it: I shall be most happy to see what you have done, but it appears to me that some difficulties would occur in the execution of such a scheme as you allude to. When we contemplate the superstructure as completely formed, the prospect is delightful—to see a number of men of enlightened understandings, similar general views, and very extensive information, acting with unremitting industry according to a well-digested plan of study, all concurring towards one general end, and using means which coincide with and strengthen each other, forms a more pleasing speculation than, perhaps, anything else; but the difficulty of collecting such a society in the first place, and afterwards of conducting it, appears to be immense. I shall not enlarge upon this at present, because it is probable you may have obviated everything I have to say. What you have written I shall be very anxious to see; not that I have the absurd vanity to imagine that I have a capacity to enable me to take a part in so arduous an undertaking, which you seem to hint at, but because I think that such a plan, conducted by able hands, would be essentially serviceable to mankind.

I am obliged to you for your observations on Bacon, which I shall make use of. I have been endeavouring to obtain more information about the early part of his life in this place, but hitherto I have failed. I did not recollect the quotation you gave me, which is a very valuable one, for I have not seen the 'Nov. Org.' since I was at Edinburgh. Your answer to my question about motives is so congenial to my own sentiments, but expressed in so much better terms, that I have erased my own sentence, and used the liberty of putting yours in its place. My reason for proposing it was simply this; it appears from many parts of Bacon's works that he early formed an idea of the philosophical improvements he should make; he was, whilst young, disappointed in his pecuniary circumstances and some other affairs, which, perhaps, threw him into discredit, and he soon imbibed the opinion that he could be of no use in the world without power and wealth. As they are not long, I trust you will excuse my copying two quotations, which seem to prove the latter part of this observation. 'Power to do good, he says, 'is the true and lawful end of aspiring; for good *thoughts*, though God accept them, yet towards men are little better than good dreams, except they be put in act, and *that cannot be without power and place as the vantage and commanding ground.*' Again, in a private letter he wrote to the King on the publication of his 'Nov. Org.' he says. 'To tell your Majesty truly what I think, I account your favour may be to this work as much as an hundred years' time; for I am persuaded that the work will gain upon men's minds in ages, but your gracing it would make it take hold more swiftly, which I would be very glad of, it being a work not meant for praise and glory, but for practice and the good of men.' The first of these passages is taken from his 'Essay on Great Place,' the second I met with in the fifteenth volume of the 'Critical Review.' Now, I think mankind can scarcely be justified in stamping vicious upon the character of a man who acted under the influence of such opinions —he has been reproached for weakness, timidity, and corruption, where he appears to me to have acted with fortitude, courage, and rectitude. He despised the insinuations and remarks of his invidious contemporaries, and proceeded in his grand undertaking without suffering their malice to interrupt him. I have applied to him the words of Horace, tell me if I am right in so doing:—

> ‘Virtus repulsæ nescia sordidæ
> Intaminatis fulget honoribus:
> Nec sumit aut ponit secures
> Arbitrio popularis auræ.
> Virtus, recludens immeritis mori
> Cœlum, negatâ tentat iter viâ:
> Cœtusque vulgares et udam
> Spernit humum fugiente pennâ.
> Carm. Lib. iii. Od. 2.’

The idea is beautiful, and I think applicable, but you shall judge. I need not say how glad I am that the ‘Nov. Org.’ is going to be publicly used at Glasgow; it looks like the commencement of great improvement.

If I had had my table of the nerves by me, I would certainly have sent it to you immediately, but I left it packed up with other papers at Kirkby Lonsdale, and shall not see it for several weeks. The plan is simply this—the nerves are divided regularly into their several branches in the manner which would occur to everybody on making a table of the sort—to each nerve I have attached a particular mark (such as a letter), which is placed at each end of the line on which the name of the branch is written; if the branch in question have any communication with other nerves a line is drawn from the right hand extremity of the line to every other branch with which it has connection, and so with them all. I am afraid you will scarcely understand from this description, but as soon as I receive it I will send it to you, if you like, although the sheet is so large, that, notwithstanding I have only finished seven pairs of nerves, I am doubtful whether the post would take it as an ordinary letter, but I can copy a part of it by way of specimen into a smaller sheet. The association of the system would, perhaps, be the most useful of all subjects for a synoptical table; it may be difficult to construct, but the subject is not easily understood, and consequently requires the clearest possible exposition; if you undertake it I have no doubt it will be clear, and, therefore, I am convinced of its utility.

You speak so highly of Hume's 'Essays' that I am ashamed not to have read them; I shall procure them to-morrow morning. You mention Hume's following the steps of Bacon, yet he is one of those who have taken considerable pains to depreciate Bacon's character. In the Appendix to the life of James I. especially, he has compared him to Kepler and Galileo, and placed him in a very disadvantageous light. I have met with some other passages besides the one I now allude to, in which he has treated Bacon with very little respect.

You ask me how I contrive to kill time in this place? —perhaps you will be surprized to hear that I am working very hard at mathematics. Cambridge, you know, is everywhere celebrated for knowledge of this kind; and whilst I am here I think it right to make use of it, for I have little doubt of its turning to good account in the end. I have a great deal more to say to you, but my paper, unfortunately, will not permit; next time I shall probably begin a long sheet. I never write letters with so much pleasure to any one as to you; your sentiments are more congenial to mine than anybody's I know: you may, perhaps, call this no compliment; but believe

Yours affectionately,

H. BICKERSTETH.

You don't tell me a word about the Society, and yet I have a great curiosity to hear: I pray you inform me."

In his next letter to his brother he speaks of being "very versatile in his studies;" but he remarks, with a degree of truth, of which he could not have been then fully aware, that "it may possibly gain him a diversity of information which in the end may be useful." He also makes some equally kind and sensible remarks on the education of his sister.

C. C. C., Nov. 25th, 1802.

"MY DEAR BROTHER,

"Major Parr mentioned no particular watchmaker, nor do I think it will make any difference to him where his clock is repaired; of course he wishes a careful and reputable person to be employed, and you are the best judge of this. It is to be recollected, he will be in town before Christmas, and, of course, would be glad to see it done by that time.

You are wrong in supposing that I have begun Garnett's Life; I have told my uncle that I am willing to assist him, but have avoided giving him any reason to think I will take a principal part in it. I shall write to him to-day or to-morrow to ask him to send me his notes, upon which I can bestow about an hour every day whilst I am here. If it will be no inconvenience to you I will thank you to pay Mr. Harrison's subscription—if it is, let the matter be till I get to town. Perhaps you may wonder how I employ my time. It is strange to observe how one's intentions and plans vary with our situations—the fact is, I am very versatile in my studies, which, on the whole, is unfortunate; although it may possibly gain me a diversity of information which in the end may be useful. At present I am almost wholly attending to mathematics; I find the study delightful, and hope in time to make some proficience—how far I may get it is impossible for me to say. I will tell you my schemes more at large when we meet.

I think your account of Mary Anna is, on the whole, favourable; the fondness for play I consider rather useful than otherwise; an easy address cannot be long in acquiring,—that depends wholly on the examples around her; the spirit of industry, &c. will be gained as soon as she clearly perceives the importance of learning; but, depend on it, this will never be taught her by positive precept. The first step towards desire of instruction, I hold to be the being ashamed of our ignorance; and yet, this is not to be carried too far, for then despair takes possession of the mind, and nothing is done. When we once are anxious to learn, the next gradation is to ardour and enthusiasm, and after this I apprehend acquirement is certain. 'Enthusiasm,' says Mr. Melmoth, 'in everything but religion, is a beneficent enchantress, who never exerts her magic but to our advantage, and only deals about her friendly spells in order to raise imaginary beauties, or to improve real ones. I am persuaded,' he says, 'that nothing great or glorious was ever performed where this quality had not a principal concern.'

I felt great pleasure at the idea of conversing *vivâ voce* with you, but in the mean time hope for frequent hints of your existence by letter. Tell Mary I am expecting to hear from her. Adieu!

H. BICKERSTETH."

His letters to his little sister are beautifully simple, and just what an educated mind should address to a child.

Caius College, Cambridge, Nov. 17th, 1802.

"'YOU must answer this letter as soon as ever you receive it.' Well, be it so. My sister will see that I like her letter so well, as to use the best means of receiving another. I am very glad that you have begun to write without lines, and have no doubt but that very soon you will be able to write quite straight. It is very necessary for you to do so, as ladies are expected to do everything neater than anybody else, and if one thing is observed to be carelessly done, people immediately judge that all other things will be done in the same way. You must inform me when you begin French, and of your progress: be sure you never let your master have to ask you to do anything twice: it is a great mistake with most scholars, to think they are doing a favour to the master, when they get a task well; the truth is, that they are only doing a favour to themselves, and ought rather to have to request the master to attend to them, than expect him to use every art of persuasion to induce them to learn; if he is so good as to interest himself about the advancement of his scholars, they are so much more obliged to him, and should be so much more thankful.

I don't wonder at your thinking the letters in the post-office all in confusion; it is always the case when we look upon anything new; and it is a very encouraging circumstance that this confusion always vanishes after we have well studied the subject. The letters which you thought were so confusedly thrown about, to your brother appeared in perfect order. Many streets of London which to you will seem so intricate, to the inhabitants are as familiar as the passages in their houses; and it is so with everything else; we first see a puzzle, and if we know what is our duty we resolve to explain it; if we try hard and ask our friends for information, we shall certainly be able to do this, and then we are delighted with the harmony, the beauty and the usefulness of its several parts, or we are able to suggest improvements, and make them better. It is thus I would have you study everything you meet with. If you meet with anything which you do not understand, or at which you are astonished, do not jump up, and cry 'Oh! oh! what's that for?' and then forget the answer you receive; but lay it up in your memory, and when there are no strangers present, and you see your friends at leisure, beg them to be so good as to explain it for you; in this way you will not only receive very great pleasure, but very great information, and if you do not intrude your questions at an improper time, I am sure you will always have them fully and clearly answered, and you will never forget what is told you. We only forget those things which we have asked in the midst of bustle and astonishment; if we consider them a little while in our own minds first, they never slip our memory.

I ought to tell you something about myself. You saw what a room I have to live in: I find it cold and on many accounts uncomfortable, but since I got it carpeted and blinds to my windows, I have been better off. I only received my books on Saturday. I have to get up every morning at seven o'clock, to go to chapel, and have also to go in the evening. I have likewise to attend lectures twice a day. Now these lectures are something like your lessons, only longer and on more difficult subjects. You will think two lessons a day very little, and that I ought to have a great deal of time upon my hands, but in fact I am fully engaged, and have scarcely time for anything. I shall soon expect to hear of your being a very clever, as I have already heard you are a very good girl.

Always believe me your most affectionate brother,

HENRY BICKERSTETH."

Indifferent correspondent as he accuses himself of being, he yet makes time to write to his little sister, though he expects very soon to see her.

Caius College, Cambridge, Dec. 5th, 1802.

"MY DEAREST SISTER,

"You cannot think how much I am pleased with your letters. There is something so delightful in hearing from a dear little girl that she is taking every pains to improve herself, that (as I am convinced you speak truth, and would not *tell* me you were industrious unless you really were so) I had rather read one of your letters giving me such sweet information, than all the news communicated to me by a great number of correspondents. I suppose that Miss Braithwaite or your brother never finds it necessary to tell you to do anything for your instruction, but that you are always eager to do your very best to learn everything you are told is for your advantage, and consequently that you are always to be found at your piano-forte, at your French, &c., in proper time. You may be sure you must be so before you become the cleverest girl I know, and this I certainly expect you will do in time. When I was at school I knew two boys, one of whom thought he did his duty if he only learnt everything the master told him, the other was never easy unless he could get before his class-fellows, and anticipate the directions of the master. Now the first of these lads is turned out a great blockhead, whilst the second is a remarkably clever man, and esteemed, admired, and copied by all who know him; and there is no doubt but if you act in the same way, that is, always be determined to get beforehand with your lessons, and know them perfectly, you will also, in time, be the pride and delight of all your friends. But don't imagine I think it extremely easy to do all this, I know the contrary; but at the same time, I am quite sure it may be done by constant attention, and where there is a little difficulty, a girl of spirit, such as I consider you, will only be more desirous to get over it; and I really think that if you met with anything that was harder than common, you would not stop and believe you could not learn it, but say to yourself, 'Now is the time I am to show what I can do; now I will convince my friends their instructions have not been given in vain; I will now, by my perseverance and attention, let them see that I am determined to assist their efforts for my good.' If these thoughts occur to you at the right time, and, as I said before, I have so good an opinion of you as to believe they will, nothing will be too difficult for you to overcome. In less than a fortnight I shall have the pleasure of seeing you, and I have no doubt of finding you in every respect very much improved.

I shall be happy to hear from you as soon as you can find time to write, and in the mean time

Believe me your most affectionate brother,

HENRY BICKERSTETH."

CHAPTER X.

SERIOUS ILLNESS.—LETTER TO HIS MOTHER.—RELAPSE.—LETTERS TO DR. HENDERSON.—OBTAINS THE APPOINTMENT OF TRAVELLING PHYSICIAN TO THE FAMILY OF THE EARL OF OXFORD.—GOES ABROAD.

HENRY BICKERSTETH continued at Cambridge until the end of Michaelmas term; he then went to London to spend his Christmas vacation at the house of his uncle, Dr. Batty, but the severe study, and close confinement to his book at Cambridge, had so impaired his health, as to produce a dangerous illness. As soon as he was sufficiently recovered to hold his pen, he wrote the following letter to his mother.

Great Marlborough Street, Dec. 31st, 1802.

"I HOPE my dearest mother will be no longer uneasy about my health, when I am able to write myself, to say that I am better; indeed, I should have been able to do it two or three days ago, if my hand had not been so unsteady that I could hardly join two letters together. How much I was obliged to you, for your very affectionate letter, which came at a time to do me a great deal of good. Be assured that my mind has never been at all disturbed, nor would it have been if I had been very much worse than I was, even in danger of death, which I never was, the least, because

I always looked upon death in the same light, as rather a gain to any individual than a loss. But why should I speak of this now, for I expect to be quite well in the course of a few days? I have not been able to get out of doors yet, but I feel so strong, as to be bold enough to think seriously of dining in Grenville Street to-morrow. You may judge from this how well I am. My appetite has improved very much these two or three last days, and I have had two very good nights. After this letter, I trust you will not give yourself a moment's anxiety about me, but believe that I am regularly improving in health. Thank my father for his letter to my uncle, and give my best love to him, my brother, sister, and cousins. I am,

Your very affectionate and dutiful son,

H. B."

Anxiety to relieve the apprehensions of his parents most likely prompted him to write the foregoing letter, in which he certainly over-rated his strength; for this boasted recovery was followed by a serious relapse, which for some weeks so utterly prostrated him, that his life was despaired of.

His mind, however, could not be idle, and in the intervals of relief from pain and actual danger, we find him writing on the most recondite subjects to his friend Henderson. In the first letter he alludes to Dr. Gall's work, but he never became a convert to the doctrines of Gall and Spurzheim.

London, Dr. Batty's, 6, Great Marlborough Street, Feb. 4th, 1803.

"MY DEAR FRIEND,

"Thanks for your very kind letter, which I received yesterday. Thanks for procuring me the 'Novum Organum,' and thanks for your drawing of the 'central hole.' How delightful it is to return to our favourite subjects of thought, after being so long and so cruelly debarred from them! Your letter has brought me more to myself than, I am sure, many days would have done without it. But yesterday morning, I was attempting to read a book which required some exertion of mind; I soon found, however, that it was in vain; I was bewildered and confused; no effort could fix my attention: to-day I feel as if I could write a long letter, and have accordingly begun a large sheet,—whether I shall fill it or not depends upon my strength. You express a desire to know how I have been affected for so long a period, but I confess myself totally unable to give a title to my disorder. I only know that after sitting up till near three o'clock in the morning for several nights successively, and using very little or no exercise for two or three weeks, I was seized with a violent pain in my head and eyes, which continued without intermission for about ten days, altogether preventing me from reading or thinking, and almost from sleeping. After this, feverish symptoms came on, and finding myself daily getting worse I resolved to get to town if possible, in order that I might be amongst my friends, and enjoy the advantage of many domestic comforts which I could not have in college. My journey was accomplished with great difficulty and fatigue; and ever since I arrived here, a space of about seven weeks, till within these four days, I have been confined to my bed-room, sometimes having strong fever, at others violent complaints in my bowels, &c.: but of this enough; I am now, I hope, quite well. My *cœnæsthesis* feels delightful, and I trust you will believe me when I say that the greatest pleasure I have enjoyed since this sensation is to resume my correspondence with you.

I revert with much pleasure to your scheme of physiological education; for, although I see many obstacles, the speculation in itself is so agreeable that I can always rejoice in the anticipation of its good effects. It appears to me that, previous to forming a complete plan, all the difficulties which can be thought of should be collected, and, if possible, set aside by suitable contrivances. 'In counsel,' says Bacon, 'it is good to see danger.' For this reason I shall not hesitate to mention those which strike me most forcibly,—if they are trifling and foolish I know you will excuse me. The first difficulty is common to this and all other teaching,—instead of being uniformly attentive to the advancement of your science, you are obliged to study the opinions, and humour the prejudices of your audience, in many important instances, otherwise you might gain no attention to any of the truths you are about to inculcate;—Secondly, the difficulty of collecting a sufficient number of teachers all of the same opinion, all equally ardent in the pursuit of TRUTH, and at the same time patient enough to tolerate the apparent stupidity and obstinate inattention of the juvenile and ignorant, seems to me immense. I don't know whether the number of teachers you mention would be great enough: this may be a subject of future deliberation, but it is plain that to know any science completely is to know the elements, the science itself, and its *application*, 'Omnium autem gravis error, etc.' The elements are anatomy, chemistry, perhaps botany, perhaps natural history. Mathematics and natural philosophy ought likewise to be understood; but you will, perhaps, think that this kind of knowledge ought to be acquired before entrance at your institution. Would you have the physiology include the theory of diseases? Ought the application to comprehend the *rationale* of the practice of medicine, or only what the French call *hygiène?* The third and last difficulty I shall name at present is of a pecuniary nature; but I will not enlarge upon it. It is evident that the attempt is a hazard,—a great deal of time may be spent, much expense incurred, and no profit derived. Now without money no man can live, let his views of society be ever so just, or his attempts to do good ever so great. Alas! he must first attend to himself, or he can do nothing.

I have procured Stewart's 'Philosophy,' but have not been able to read with attention yet. I read the notes you were kind enough to transcribe for me with more concern than surprise. I cannot doubt Stewart's abilities. I cannot doubt but he is open to conviction, and is convinced, but it is no unusual thing to see the first men afraid of the opinions of their contemporaries, and willing to condescend to improprieties for the sake of avoiding persecution. I have not yet seen Stewart's

'Life of Reid,' but from what you have said, I am become very anxious to peruse it, and shall take the first opportunity. What an excellent subject you have chosen for your paper in the Speculative Society! It appears to me that connected with it there is a most important remark somewhere towards the beginning of Stewart's outlines, that Bacon was by no means the first, or the only one who was acquainted with this method of philosophizing, although he was first to digest and arrange it into proper order and method. Stewart gives no proofs of this, but they are easily discovered. Was not Friar Roger Bacon the first who used the experimental and inductive method? Was it not understood by Gilbert, who in those dark times so assiduously investigated the properties of the magnet? Also, by the following contemporaries of Bacon, *viz.* Copernicus, Kepler, Galileo, your celebrated countrymen Crichton and Napier, by Harvey, by Tycho Brahe, by Father Paul, &c.? But of this you are best able to judge. It cannot be doubted, however, that these individuals, living in different parts of Europe, must have produced a wonderful alteration in the minds of men, and tended powerfully to the advancement of science and philosophy. If you think I can be of any use to you in the investigation of this very interesting subject, I pray you tell me how, and I will do my best. My hope of being able to vindicate the character of Bacon has received some confirmation since I last wrote to you: if you meet with anything on this subject I request you to communicate it.

I am truly sorry to hear of the illiberality of the

Edinburgh Reviewers—who are they, pray? I shall read their account of Belsham as soon as I can; but I do not think that the English reviews are accustomed to receive communications of the nature you mention, nor do I believe myself capable of undertaking such a task. I shall be truly gratified to see your vindication of Hume, with whose Essays I am more pleased, as I study them more.

It does not seem at all surprising that the Medical Society should not be very flourishing this winter—what presidents! Stewart! Murray! The poor *spring*, how did he bear the cutting disappointment of five votes? If anything interesting should occur, or any books of consequence come in, I depend on you for information.

Mr. Balmain brought me the 'Nov. Org.' about a week ago;—how shall I reimburse you for the expense you have been at in procuring it?—he told me some interesting news, and a good deal of a contrary description. Is it true that Allen means to settle in London as soon as he returns from the Continent?—Is it true that you are going to the Continent with Thomson in the autumn, will be absent two years, and then settle in London? How I should rejoice at this last circumstance, although I am aware of the hazard attending it.

I had a letter from Walrond about nine weeks ago; he was then quite well, and desired to be particularly remembered to you—I am almost daily expecting to hear from him again. I have only seen a short account of Gall's theory in the 'Monthly Magazine;' it is impossible to form any judgment of it till more facts come before us. Remember me to Bevan, and believe me always,

Yours sincerely and affectionately,

HENRY BICKERSTETH.

If I continue to recover it is my intention to return to Cambridge in about a week, so that I will thank you to direct, as before, to Caius College.

Feb. 5th."

A month after, he writes another letter to Dr. Henderson, in which he defends Hume, gives his opinion of London society, and in a postscript informs his friend of a sudden change in his views and prospects.

"MY DEAR FRIEND,

"I should have thought myself quite well a fortnight ago if I had been able to study without inconvenience; but you will think me in a pitiable condition when I tell you that even yet I am unable to read attentively (that is, with any chance of being able to recollect what I have been about), without a violent headache, which is sometimes long before it leaves me. By gradual exercise of mind, and taking care not to continue it too long, I hope to recover from this wretched affection; but I am occasionally so vexed at this imbecility of mental power when I am completely well as to muscular strength, that I play the coward, and wish myself beyond that bourn whence no traveller returns: but these are silly notions.

Juvenal was right to say, that it was the duty of a good citizen,

'Verba animi proferre et vitam impendere vero,' yet the latter part of his precept is surely only to be understood in extreme cases; and I altogether agree with you as to the treatment of prejudice. I am also of your opinion that there are *limits* to the accommodation of the teacher to the capacity and prejudice of his audience; but let it be considered how he can 'raise his pupils up to him;' must it not be by descending from his own abstract and sublime notions to the level of ordinary understandings?—With respect to a simple statement of the truth, without noticing prejudice, I make the following observation. The prejudiced and unthinking auditor will at first be constrained by the testimony of irrefragable facts to give his assent to the doctrine of his teacher; during this time his own hypothesis will not enter his imagination, but it will not be long before it returns, and on a comparison with his newly acquired opinion, he will find that he has been deceived into the admission of something which disarranges the whole tenor of his thoughts; he feels uneasy, rejects the new, and preserves the old opinion; he is provoked at his tutor, and perhaps commences persecution. This remark may appear paradoxical, and a little degrading to the human character, but I am convinced that in many instances it will hold good. Let the teacher, at first by gentle insinuations, and afterwards by adducing more obvious objections, candidly say that such a proposition cannot, with any regard to truth, be admitted, and I think truth will advance faster.

I confess there are difficulties attending this plan, and they chiefly lie in this — that it is almost impossible for a teacher to notice, or directly controvert every trivial circumstance upon which the hypothesis he wishes to confute may happen to be founded; and so long as a single twig remains to hang upon, the violently prejudiced pupil will not desert his cause, but magnifying his frail support to the utmost extent of his imagination, and becoming more pertinacious from opposition, matters may, in some instances, suffer deterioration rather than gain improvement; but these instances I should at the same time hope would not be numerous.

I am sorry that it is out of my power to add anything to your observations on the influence of Bacon's philosophy. I think you have taken the best possible view of the subject, and that your reasons are sufficiently cogent for your purpose; nevertheless, I must think that there are a number of other circumstances which ought to partake of the approbation and credit given to Bacon; and of all things I should like to see a good history of the progress of science during the sixteenth and seventeenth centuries. I think it might be made not only very instructive, but very entertaining, by being written after the plan of Barthélémy's 'Travels of Anacharsis;' nor do I think it improper to use a deception of this kind, because I believe it is often necessary 'artfully to caress prejudice before it be strangled;' to accommodate truth to those eyes which cannot bear its effulgence. I am not willing to give up my defence of Bacon's character, although I have nothing more to rest upon than the rectitude of his motives; nor do I wish to have more, for surely it is much better for a man to commit a bad action with the intention of producing good, than a good action, the intention being to produce harm. I have not investigated the subject much, but I believe I could prove that, in every controverted part of Bacon's character and life, he acted according to a strict plan of doing the most good possible; and also that many wicked things attributed to him were the fabrication of priests and statesmen, or more properly courtiers, the result of envy, malice, and fear.

To give an opinion about Hume's philosophical character would require long consideration; but in all his writings which I have perused, there are some very remarkable circumstances which are sufficiently obvious; an extreme moderation in almost all his opinions, a candid enumeration of opposite arguments and sentiments, a rich store of facts, an antidote to fallacy, a variety of useful reflections, and a clear and easy style of writing. I cannot agree with him in every point, but I never open his books without being both delighted and instructed; he gives a habit of observing, also, which few other writers do. Most authors seem to wish you to attend to themselves only; Hume does not exactly prescribe it to you, but after reading him, it is impossible not to think and look about for yourself. The more I think of it, the more I am amazed at the persecution his name has suffered. Dr. Johnson said something or other too coarse for even the impudent Boswell to repeat; yet the purity of his life and manners could never be called in question. About two or three months ago I was praising him in a large company; a Methodist started up to oppose me, declaiming loudly against his morals; he had not, however, even the shadow of an argument: he mentioned an anecdote — of the truth of which, perhaps, you may be able to inform me—that Adam Smith, being afflicted with some incurable complaint, as he afterwards told me, in the bladder, Hume strongly advised him to shoot himself.

Your last has given me some hopes that in time to come I shall have the happiness of your being settled near me. I look forward to that period with some confidence and great pleasure; in the mean time I rejoice at your good fortune in being able to seek information where it is most likely to be had, and anticipate the advantages science will receive from your acquisitions.

Tell me how Stewart conducted himself. I do sincerely wish that I could once more have stood forward in vindication of truth against sophistry. You had no doubt fine amusement. How did the recreant mainspring behave?

I had a letter from Walrond the same day that I received your last; he is quite well, and talks of being in Edinburgh about June. He thinks the last election of president does no honour to the Medical Society.

I have been twice to a Medical Society in this neighbourhood—a shocking place—and have had occasion each time to attack the doctrine of a vital principle. I believe I obtained one or two converts, but the Londoners are in the first place so obstinately practical, and, secondly, so attached to great names, that they will not listen to anything like speculation.

I beg pardon for having forgotten your address; I hope this will find you as usual.

Write soon, and believe me always your sincere and affectionate friend, HENRY BICKERSTETH.

At Dr. Batty's, 6, Great Marlbro' Street, London,
March 8th." [1803].

"I have kept this letter by me a week in order that I might give you certain information about my destination. I cannot explain everything to you at present, but before I had sealed my letter I received a proposal to go to Italy, which has disarranged all my future plans. You will be surprised when I tell you that I shall leave England in a fortnight or three weeks, and making all the haste I can across France, be at Leghorn about the latter end of April. It is not my intention to conceal the cause of this expedition from my friend, but I have neither time nor room at present. I shall write again before I go. In the meantime, I beg you to inform me, if you can, how I may be able to write to you till next Christmas.

Yours always, H. B.

March 14th, Monday."

The painful fact had now become evident to his friends, that intense application to his studies, and severe self-discipline, had so impaired his health, that rest and immediate change were absolutely necessary for its restoration; but they knew that it was useless to advise him to relax his pursuit of knowledge—his thoughts would not be idle—his mind, indeed, was beyond his control. Fortunately, however, about this time Dr. Batty was requested by the Earl of Oxford to recommend him a physician to travel with his family in Italy.

Dr. Batty well knew his nephew's fitness and qualifications for such an office, and considered that it would be an admirable thing for him to commence life under the auspices of so kind and influential a patron, while, at the same time, the change, he knew, would be highly beneficial to his health.

Accordingly, having received the consent of his parents, Mr. Bickersteth left London on the 31st of March, 1803, accompanied by his cousin, Robert Batty.

CHAPTER XI.

STATE OF PARIS AT THE DATE OF MR. BICKERSTETH'S VISIT.—LETTERS. — PERSONAL APPEARANCE OF THE FIRST CONSUL. — ANOTHER ACCOUNT.—THE NATIONAL MUSEUMS.

At this period of his life Mr. Bickersteth was remarkable for his advantageous personal appearance and carriage. I have been told by a gentleman that the first time he saw him was at Calais, as he landed from the vessel, and though such occasions are not the most favourable to judge of a man's appearance, yet he was so struck with his high bearing and noble countenance, that he was induced to inquire his name, and was told that it was "Young Bickersteth," who had just been appointed travelling physician to Lord Oxford.

He proceeded with his cousin direct to Paris, whence he wrote several animated letters to his family. His account of his journey there is humorous enough. These days of railway and steamboats have changed in many respects the customs of our neighbours, yet many of us can remember the delight and amazement we experienced on being mounted on the rough back of an athletic Frenchman, or mayhap, on that of one of the gentle sex, and carried ashore in triumph; and which of us of the last generation has forgotten the inimitable Mathews in the monologue of his "Trip to Calais"?

Paris was at this time in a whirl of giddy excitement. Napoleon had declared himself Consul for life, —his first step towards converting the Republic into the Empire, and seating himself on the throne. The people, tired of bloodshed and turmoil, and yearning after peace and tranquillity, confirmed him in the office, and a new Constitution was framed and proclaimed. The First Consul now displayed the pomp and magnificence of regal power, and the Court of the Tuileries shone in greater brilliancy than in the most palmy days of its last legitimate Sovereign. The taste for luxury had spread rapidly in the capital, and the melancholy scenes of the Revolution were changed to those of pleasure and excitement. The city filled with strangers, and the streets with gorgeous equipages, presented a striking contrast to what they had lately been. The spoils from all the vanquished countries had been brought thither, and the nation thronged in thousands to look upon those unrivalled productions that had been torn from their sanctuaries in other lands to decorate the capital of France.

His first letter was to his father, and it gives an amusing description of the difficulties of effecting a landing in France, even in time of peace.

Paris, Wednesday, April 6th, 1803.

"MY DEAREST PARENTS,

"You have already heard of our safe arrival at Dover, where we were detained a whole day. We left that place about six o'clock last Saturday morning, and arrived at Calais at four in the afternoon. Our passage was rather disagreeable, the wind being chiefly against us, and the rain sometimes falling in torrents. I never witnessed a more curious scene than our landing. When the packet-boat had come to within two miles of the coast of France, we were met by some French rowing boats in which we were to be conveyed on shore. The French sailors surrounded us in the most clamorous and noisy manner, leaping into the packet, and bawling and shouting so loud as to alarm the ladies on board very much. To these men, however, we were to consign ourselves, and we entered their boats, eight passengers going in each. When we got near the shore we were told it was impossible for the boat to get close to land, on account of the tide being so low, and that we must be carried on men's shoulders. We had no time to reflect on this plan, before we saw twelve or fourteen men running into the water, for the purpose of putting it into execution; they surrounded our boat, laid hold of it with such violence, that one might have thought they meant to sink it, and fairly pulled us into their arms. All this happened in an instant almost, and we had no power of resistance; for my part I laughed heartily all the time, and had no wish to resist, but a lady who was with us was so much frighted, that I was obliged to support her in my arms a considerable time before she was able to stand. Our troubles, however, were not now over, for I verily believe all the innkeepers in Calais were waiting for us on the shore, and were determined not to lose us for want of solicitation—they pressed upon us in such a manner that it was almost impossible to proceed a step, and chattered at such a rate, all at the same time, that we were almost distracted. At last, however, we arrived at the hotel, where we were very well attended to at a cheaper rate than at Dover.

The packet did not get on shore till late in the evening, so that we were again too late for the Custom-house officers, and were detained another whole day at Calais. We left that town at six o'clock on Monday morning, and arrived here about eleven o'clock this morning, after as pleasant a journey as one so long and so hastily performed could be.

You will easily trace our route by Boulogne, Montreuil, Abbeville, Amiens, Chantilly, &c. to Paris. During the first part of our journey the country is hilly, the soil chiefly chalk and flint, and barren, but it afterwards becomes very pleasant and well cultivated, and in the neighbourhood of Paris, it is delightful. There are many vineyards, and the woods are exceedingly beautiful. I have got a lodging in a hotel which is not far from the Tuileries and the Palais Royal, and I hope to be tolerably comfortable during the time I remain here. There are many Englishmen in this house; and I have actually never seen anything of the kind so splendid—the rooms are high and spacious, ornamented with large mirrors and paintings; there are fine marble statues in different recesses—a good library for the use of lodgers, where there are all periodical publications—French, English, and German—a fine flower garden behind, &c.;

altogether making the hotel more beautiful and convenient than I ever knew any in England. Of course, it is necessary that I should make all possible haste to join Lord Oxford; so that I am afraid I cannot remain here more than one week, a time very inadequate to permit me to see a third part of the things which ought to be closely examined; however, I shall work hard and lose nothing that I can help. I must then pack off to Lyons, from which place I hope to be able to write to you, and give you an account of my proceedings here.

Give my best love to Robert, to Charlotte and Edward Batty, and believe me

Your ever dutiful and affectionate son, H. B."

To his brother he wrote two days afterwards, and he was able to give a sketch of the personal appearance of the renowned General who had just achieved supreme power. Mr. Bickersteth's graphic sketch of Napoleon Bonaparte is especially interesting at this time, when his Nephew is endeavouring to imitate his worst vices, rather than his better qualities. The First Consul is brought vividly before the mind's eye. He saw him first at the Opera.

" My dear Brother,

" I dare say you feel some curiosity to have an account of our proceedings, which curiosity being *laudable and affectionate*, shall be gratified in so far as my weak powers will allow. There, sir, are both precision and cant, which are often found connected in other places than my celebrated epistles. On the morning of March 31st, my uncle left Robert and myself in the Paris diligence, with two, ladies they both called themselves; one the wife of a naval officer, the other a Frenchwoman, either somebody's cast-off servant, or—or—or, whatever you please. I was no little entertained all the way with the first of these, who is certainly a very well informed woman, and has been almost all over the earth with her husband,—but so affected, so

> 'Fine by defect and delicately weak,'

Oh, mon Dieu! as the French say, it was terrible. Our judgment of the condition of persons we travel with is often somewhat curiously formed. At first I thought this good body was travelling in search of employment; next I pictured to myself a lady's maid following her mistress, and a number of other things equally far from the truth. On the whole, I had a very pleasant journey to Dover, where we arrived about six or seven o'clock in the evening.

The inn at Dover presents such a motley group of people of different countries, that you already feel as if you were in a foreign land. There were French, English, Dutch, and German, all mingled together, most of them able to speak nothing but their native tongue. The first thing I did was to inquire about a packet, and I rejoiced to hear that there was one to depart for Calais at six o'clock in the morning. I soon found, however, that I could not take advantage of this, as the Custom-house was shut, and I could not persuade the officers to open it again, or to open my boxes at the inn. On Friday, April 1st, we walked about Dover, the Castle, Shakspeare's Cliff, &c. The house of Sir Sydney Smith's father is one of the curiosities of the place. You have probably seen a description of it in the 'European Magazine.'

On Saturday morning, between six and seven, we leapt into the *bosom of the sea*, scudded along before the wind, and had good hopes of arriving at Calais in two or three hours; but, oh! the uncertainty of the good folks to whom we had consigned ourselves. The wind first became sleepy, then yawned, and, at last, seemed to sleep altogether. It was most marvellous to observe the sympathy between the sea and the wind. When the latter was brisk and lively, the sea carried us along as a good friend ought to do, and so on; but the effect of the yawn was most curious; every one saw the effect of the gape, which rumpled by sympathy the water behind us, and very soon afterwards we were driven along almost *per saltum;* or something more like the manner in which Jonah might be supposed to be driven out of the whale's mouth. About three o'clock in the afternoon we left our packet, and entered a French rowing boat. The *empressement* with which the French receive passengers has often been described, but, by the Lord! it is absolutely necessary to experience it, before any idea can be gained of it. I had some doubt at first, whether their energetic marks of kindness and affection would have sunk us to the bottom of the sea, and next, whether we should not be smothered in their embraces.

Mem.—When a man goes into a foreign country let him expect to be stared at like a wild beast by the natives, who take this method of showing their civility and respect, and still farther express their love and admiration by the eagerness with which they seek to furnish themselves with little pocket pieces of silver, which, of course, they consider as keepsakes.

Oh! ye charming Custom-house officers, whose efforts are directed for the public good, and nothing else—all hail! It is evident no man can know his own affairs too well, and so it is these beneficent animals put him under the necessity of examining them often by tossing them up, and making it impossible to proceed on his journey, without re-arranging, re-arranging again and again. I am sure they have shown this civility to us, and I am proportionally obliged.

We walked about Calais all Sunday morning, and went to the play in the evening; a miserable piece, miserably performed. Monday, six o'clock in the morning, we crept into the Paris diligence, and arrived here on Wednesday. The fortified towns through which we passed, had to me a very novel appearance, and 'recalled every idea,' not 'of which tenderness and affection,' but horror and disaster 'are made up.' On Thursday we contrived to get a general idea of Paris, and, besides, went to see the Museum of Arts and Sciences, where are collected all the statues formerly in France, and a number of those brought from Italy, the 'Apollo Belvidere,' 'Laocoon,' &c. It is worth while to come to Paris to see this collection only. The spirit and the animation appearing in these ancient statues are altogether lost in all the copies I have seen. The 'Apollo' is absolutely alive; he appears as having just killed his enemy, and the emotions of his mind are as clearly expressed in his countenance as, I believe, is possible; a sort of pride, indignation, and contempt, so clearly characterized, that unless I had experienced the effect I should scarcely have believed it. There are other fine statues lately arrived from Italy, but which are not yet put up; amongst them is the 'Venus de Medicis.'

At the opera, or rather oratorio *mis en action*, in the evening, we had the good fortune, it may be called, to see Bonaparte. Generally speaking, the busts we have of him are like, but the deep meditation, the continued anxiety which appears on his very very sallow, his *blackly* sallow complexion, cannot be expressed; for the moment he seemed tranquil, but it was easy to observe that the mind, under such a face, must have undergone profound reflection, and violent agitation; it is impossible to describe the expression. He was loudly applauded on his entrance, and for a while sat in full view, he then retired behind the curtain of his box, and we saw nothing more of him till he made his bow at the last.*

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* It may not be uninteresting to the reader to see another description of Bonaparte, also by an eye-witness and an Englishman, written a few months earlier than that in the text.

Sept. 1802.—"I had an opportunity of seeing Bonaparte, and was close to him during a pretty long conversation he had with Mongolfier. None of the prints of him are very like. He has a mildness, a serenity in his countenance, which is very prepossessing, and none of that sternness which is to be found in his pictures. His

Tell Mr. Howard I sent his letter to his sister yesterday morning. Remember me affectionately to Miss Braithwaite and Mary Anna and Edward, &c. and believe that I love you, as *Cordelia* says, as 'becomes a brother,' and no more. And so adieu!

HENRY BICKERSTETH.

Paris, Friday, April 8th, 1803.—Germinal 18, An XI."

To his friend Henderson he writes in a tone of admiration of the treasures in the National Museum, not forgetting to inform him of a summary of the Baconian philosophy, by De Luc, which had fallen into his hands.

Paris, April 15th, 1803.—Germinal 25, An XI.

"MY DEAR HENDERSON,

"When I put off writing to you till I arrived at Paris, I was in hopes that I should have been able to give you some anatomical information or news. I am disappointed; for at present, almost all the men of science to whom I had letters are out of Paris, and the rest are not easy to meet with. Some of them are made Counsellors of State, and require as much ceremony as can be conceived; for instance, I had a letter to Fourcroy, which I carried a few days ago; his porter told me that, in order to see his master, I must write a note to request a moment's audience, return next day to know what time was appointed, and call a third

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painters seem rather to have wished to make the picture of a very extraordinary man than to paint a portrait very like him."—Romilly's Diary.

time, accordingly. I would not give myself this trouble, and, of course, have not been introduced to this great chemist; I have seen him, however, and dressed in all the insignia of office, a scarlet coat, with half a foot's breadth of silver lace, &c.! Cuvier is at Bordeaux helping to put in execution the plan of public instruction formed by Fourcroy. I left his *diploma* at his house in the 'Jardin des Plantes,' and got permission to see his museum of comparative anatomy: to tell the truth, I have been somewhat disappointed with this, although it is certainly very good. The collection of skeletons is beyond all comparison superior to anything I have before seen; the other parts are exceeded, I think, by John Hunter's museum in London. The whole museum is placed in seven compartments of a long room; five of these are full of bones, the remaining two contain all the other specimens; there are some excellent models in wax, which well deserve imitation, especially if anatomy be ever taught popularly as a science which every one ought to know. On comparing Cuvier's museum with Hunter's, it is plain they have been arranged with very different intentions. In Cuvier's museum there are a number of facts presented, from which every one may draw his own conclusions. John Hunter, I think, only wished to illustrate his theory of a *vital principle.*

The first day I arrived in Paris, the 6th instant, I went to see a museum, as it is called, of anatomy and physiology, which has been cried up in all the journals as one of the best things to be seen at Paris. It consists of models in wax of a few parts of the body in their natural state, and a number of diseased ones. As to the workmanship of these models, no praise can be too great. As to the subjects, although every newspaper and every description of Paris tells us that they have the most excellent moral, I cannot say that they produced any sensation in me but disgust and resentment against the author for having exposed me to such disagreeable sensations.

All the grand museums in this place are on the most liberal establishment; I have had nothing to do but to show my passport to get admission to the National Museum of Arts and Sciences, containing most of the statues brought from Italy, the Grand Gallery of Paintings and Drawings, &c., the National Library and Museum of Antiquities, the National Museum of Natural History, the Museum of French Monuments, and many other interesting places. It would be folly to attempt the description of these places, or to say how great is my respect and admiration of the Government by which they are superintended: the French nation is but just emerging from the most terrible and sanguinary period of its history, and the works carrying on almost surpass belief.

This morning I met with some synoptical tables of anatomy and physiology, by Chaussier. These do not at all come up to what I think is proper in such tables. I am convinced that if proper tables of these subjects were formed on enlarged views, they would facilitate the study of them in the greatest degree, and notwithstanding circumstances have obliged me to postpone the plan into which you have so willingly entered, I am not without hope to have your assistance in future.

Since I came here I have seen a summary of Bacon's philosophy, written by De Luc. This work, in two volumes, octavo, is written in opposition to the edition of the French Encyclopédie, and other modern philosophers, who, affirming that they were disciples of Bacon, have avowed principles of scepticism and infidelity. You may judge from the author's motive, what kind of a work he has produced. The fact is, it was very easy for De Luc to show that Bacon was professedly a Christian, and that he recommended us to draw *general* conclusions from the examination of particular facts; he has done this, and scarcely anything more.

I am obliged to leave Paris to-morrow morning, and proceed on my route to Italy. I am going as medical attendant to the family of Lord Oxford, who is now at Pisa; probably I shall be in London again about January next. How glad shall I be if I meet you there! I often think upon the time I have spent with you with grateful emotion, and nothing tends to console me for our present separation but the hope of meeting again when both our plans of life are fixed, when we may, with a certainty of our future prospects, sit down together to study the surest means of securing our own happiness, and the most likely methods of rendering the feeble efforts of individuals productive of public benefit. In this point of view let us look upon our different destinations as advantageous; we are gaining different ideas, the collision of which may add to the truth of which we are possessed; we are gaining new views of society, we will show them to each other, we will be ardent and enthusiastic, and, at the same time, cautious and temperate, and where is the obstacle that shall obstruct our progress?

I shall do myself the pleasure of writing to you frequently; at present I can't give you any address to me. Believe me always your affectionate friend,

HENRY BICKERSTETH."

CHAPTER XII.

JOURNEY THROUGH FRANCE.—MR. BICKERSTETH'S COURAGE AND PRESENCE OF MIND.—ARRIVAL AT PISA.—LETTER FROM FLORENCE.—ACQUIRES THE ITALIAN AND GERMAN LANGUAGES IN A WONDERFULLY SHORT TIME.

THE young travellers proceeded from Paris to Lyons, and made the descent into Piedmont over Mount Cenis, a work of labour as well as of time, and narrowly escaped being taken by the banditti. They determined to proceed from Genoa to Leghorn by sea, but boisterous weather and contrary winds detained them several days, and when at last they were able to sail they were soon compelled to put in at Camogli, about sixteen miles from Genoa, and afterwards at the little fishing town of Porto Fino. There an incident occurred, trifling in itself, but which showed that young Bickersteth was possessed both of presence of mind and courage. After supper, he and his cousin took a stroll on the beach, leaving their luggage and loaded pistols in their sleeping room. On returning to the inn Mr. Bickersteth discovered that his pistols had been moved; he examined them, and found that the bullets had been withdrawn. He made no allusion to the circumstance, but carried the pistols down into the public coffee-room, and in the presence of the landlord, waiters, and all there assembled, reloaded them, and went straightway to bed. This self-possession certainly saved his property, if not his life. They were detained at this miserable little place by stress of weather until the next day, when they again sailed, and arrived in about five hours at the port of Lerici, midway between Leghorn and Genoa; contrary winds now compelled them to give up all thoughts of continuing their sea voyage, and they determined to proceed by land to Leghorn; during their journey they were obliged to have a military escort to protect them from the banditti, under the command of the "Gran Diavolo," whose daring robberies have since been a favourite theme of novelists and dramatists.

Having ascertained at Leghorn that the Earl of Oxford was at Florence, and had been expecting him for the last week, Mr. Bickersteth returned to Pisa, and thence proceeded to Florence, where he arrived on the 4th of May, and met with a most favourable reception in the earl's family.

Edward, fifth Earl of Oxford, was born 20th of February, 1773. He was the eldest son of the Hon. and Rev. John Harley, Dean of Windsor, and Bishop of Hereford, and succeeded his uncle, the fourth earl, at a very early age. In consequence of friendships formed at the university, Lord Oxford quitted the political party to which his family had been for two generations attached, and was a steady Whig for the greater part of his life. Nearly at the end of it, his dislike to the repeal of the corn laws, converted him into an adherent of the Protectionist policy.

Lord Oxford's friendship with Mr. Bickersteth began in 1803, and was warm and consistent to the end of his life. He placed the most unbounded confidence in Mr. B.; and in the latter years of his life delighted in being his guest.

Lord Oxford died under Lord Langdale's roof, after an illness of some duration, December 28th, 1848. His last conscious expressions were those of grateful affection towards his old friend, then his son-in-law.

Lord Oxford married Jane Elizabeth, eldest daughter of the Rev. James Scott, rector of Itchin, near Southampton. Lady Oxford died November 20th, 1824.

Italy at this time was in a most unsettled state; war was daily expected to be declared, and the English were hourly flying to Venice, then under the government of the Emperor of Germany.

Mr. Bickersteth's letters to his family during his journey to, and stay at Florence, give an admirable account of the state of affairs there at that period.

La Loggia, near Florence, May 15th, 1803.

"My dearest Parents,

"Although from the present uncertainty of peace or war, and the consequent examination of all letters passing from this part of the world to England, it is very doubtful whether you receive those which I write, I take the first opportunity of informing you of our safe arrival here. In my last, from Genoa, I informed you of our route from Lyons, the passage of Mont Cenis, and our escape from banditti. Contrary winds and a very boisterous sea detained us several days at Genoa, and the very heavy rain which fell incessantly prevented our proceeding to Leghorn by land, for the road is so bad, and the country so mountainous, that travellers are obliged to go on horseback for about sixty or seventy miles, and this in continual danger of being attacked by the troops of banditti, which, in spite of the activity of the French government, still continue to infest the northern part of Italy. At last we left Genoa on the 6th instant, with a fair wind and good weather. We had scarcely, however, proceeded four miles when the wind became contrary, and heavy rain began again to fall. The feluccas, or boats, which go between Genoa and Leghorn, are not well calculated for rough weather, and, generally speaking, the sailors are great cowards, so that I had considerable difficulty in persuading them to go on. I succeeded, however, for the time; but after all their exertions they could not go further than to a place called Camogli, about sixteen miles from Genoa. The rain fell in torrents, but nevertheless I walked a mile or two up this part of the country. Never was anything so luxuriant; everywhere there are little valleys surrounded by hills covered with vines, olive, almond, lemon, orange, fig, and myrtle trees. The houses are large and convenient enough, but the roads between them impassable for anything but mules.

The wind was favourable on the 7th, and we left Camogli at six o'clock in the morning, but after passing about eight or nine miles, a heavy gale of wind arose, and we were happy to put back to a most miserable village, to which they give the ironical name of Porto Fino. The inn at this place was worse than any I had before met with. I felt somewhat hungry, but for all the world I could not have got anything to eat. No bread, no cheese, eggs, meat or fish. I exhausted all my vocabulary of eatables in vain. At last I sent out a man to catch fish, and set to work the baker's wife to make bread, and in a few hours we contrived to get a sort of dinner. In the meantime the weather got worse and worse, and about five o'clock in the afternoon the storm became dreadful. All the vessels in the harbour were tossed about in a most dangerous way, and it was with great difficulty that they were arranged. In the midst of the bustle a fishing-boat was observed at some distance in the utmost distress; instantly three large boats, full of men, put off to her assistance, and in three-quarters of an hour brought her safe to shore. It was not long before the storm ceased, but the wind would not allow us to depart till eleven o'clock next day. The weather was then delightful, and in about five hours we arrived at the port of Lerici, which is about half-way between Leghorn and Genoa. The wind was again contrary, and continued so next morning, and as it is possible to have a carriage all the way from Lerici to Leghorn—and I thought we might be a week or more in getting to Leghorn by sea with such unfavourable weather—I immediately took post, and travelling over some beautiful country with most execrable roads, which pass through the haunts of banditti, we arrived at Pisa about twelve o'clock at night, having been about sixteen hours in travelling forty-eight miles. For the last two stages I was obliged to take an escort of two dragoons and two infantry, on account of the numerous robberies which are committed in this part of Lucca and Tuscany by the troop of the Gran Diavolo, whose history I gave you in my last.* At Pisa I began to inquire after Lord Oxford, of whom I had not heard since I left England. I was informed that he had proceeded to Naples, and I went next day (the 11th inst.) to Leghorn, with the full expectation of having to travel three hundred miles further without stopping; but when I inquired of his lordship's banker, I learnt that my previous information was false, that he was at Florence, and had been expecting me for a week. Of course I instantly returned to Pisa, and on the 11th arrived here without any accident. I have been perfectly well received by Lord and Lady Oxford, and everything promises to make me altogether comfortable while I remain here. There are several English at Florence, all of whom are in great anxiety respecting the grand question of peace or war, and many of them even in daily expectation of being sent out of Italy.

May 22nd.

Finding that I was too late for the last post, I delayed finishing my letter till to-day. We become daily more certain of war, and English families are daily flying to Venice, which belongs to the Emperor of Germany. The King of Etruria is said to be dead, and the consequence will necessarily be to put this country more under the power of a neighbouring nation. It is more than probable that Lord Oxford will be obliged to leave this country, but as Lady Oxford is not in a situation to travel, there can be no doubt of my being allowed to stay with her without molestation. The worst that can happen is to be sent to Venice, from which it will not be difficult to proceed to Vienna.

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* This letter I have not been able to find.

As there is so much uncertainty about your getting my letters, I beg you to write to me, even if you do not hear from me. It is most grievous to me to be so long without having a word from my friends. I left London the 31st of March, and since that time I have heard nothing about those most dear to me.

Remember me most affectionately to Robert and Charlotte, and Edward Batty, and believe me always your most affectionate and dutiful son,

HENRY BICKERSTETH.

Direct to me, 'Alla Locanda di Schneiderff, Florence.'

If there should be war, put 'by Germany,' in the corner; if not, 'by France.'"

During his stay at Florence, Mr. Bickersteth was not idle: the deplorable state of the country compelled him to remain a great deal at home, for he did not dare to stir a hundred yards from his residence, and he devoted his time to studying the Italian language; so great was his diligence, that in the short space of three weeks, he was able to speak it fluently, and to read it with perfect facility. His aptitude for acquiring languages was indeed very great, for he learned German, in the following year, in the brief space of six weeks.

The confusion and uncertainty that prevailed prevented him from seeing all the wonders and attractions which had been left there by the French after they had so wantonly pillaged the place. In one of his letters he especially mentions, as being connected with his then profession, the Museum of Natural History, in which there are perfect models of the human frame, so accurately made as to be of the highest service in the study of anatomy, and he wishes that he had it in London, as it would enable him not only to make his fortune, but to render anatomy a more popular study. These models were made by Clement Susini, under the direction of Fontana. The museum fills forty rooms, and contains also large mineralogical, botanical, and zoological collections.

In the following letter to his brother, he very graphically describes the funeral of the King of Etruria.

"My dearest Brother,

"Imagination, you know, is quite as bad, if not worse, than reality when it is employed about bad luck; therefore, I had nearly begun by saying I wrote from prison in the midst of a shower of cannon-balls, and a thousand other dire and damnable comfortables; however, make yourself easy, for although I have scarcely dared to stir a hundred yards from the house these ten days, I feel it in my power, and do not repine much, and as to the cannon-balls, I have not heard the sound of them as yet, and it is confidently said they do not mean to approach this land. We are, however, rather unfortunately situated; for the Treaty of Luneville so arranged the northern part of Italy that it is impossible for us to pass into a friend's country without first going through that of an enemy, through the which if you attempt to pass, there are nine thousand great chances to one little one that you are arrested, and have the amusement of being made prisoner of war.

I do not know what aspect the war bears on your side of the water, but here it looks very like a consequence of the folly and imbecility of British ministers. At any rate, it is a most vexatious thing, especially for us who are placed in jeopardy by it; besides, a great part of my pleasure is destroyed by my communication with my friends being almost entirely prevented; for I have not heard one syllable directly from them since I left England. I do not know whether you were acquainted with the French having such entire influence over all Italy, but they seem to be able to do what they please. Bonaparte is president of the Italian republic. The Ligurienne is garrisoned by his troops, as well as the Lucchese, and all the ports in Italy. I would tell you a great deal more concerning it, but this is a subject not quite safe to touch upon. It is strange to reflect on the history of Italy. Ten years have scarcely ever passed without its being the scene of faction and dispute, the theatre of war and devastation. It is that country which, when agitated by calamities the most distressing, easily became enlightened by knowledge, and when extinguished, the flame was easily rekindled, but the inhabitants of which have hitherto seemed condemned to continually revived misery. It is easy to see the cause of this in the weakness of the individual states, which have always been objects of contest between the more powerful nations of Europe. Had the whole of Italy been formed into one large republic, it would have preserved its balance and suffered nothing.

The confusion and uncertainty has been so great since I arrived here, that I have not yet been able to see all the curious things at Florence. I am glad to say, however, that although the gallery has been robbed of the celebrated 'Venus de Medicis,' there are still an immense number of things very interesting, and well worth observing, and there are in the Academy excellent casts of all the statues they have lost. There is in this town a museum, which I conceive to be greatly wanting in all the large towns of Europe—I mean the wax models of all the parts of the human body. They are so well, that is to say, accurately and neatly made, that they must very much facilitate the study of anatomy, and I am sure that if I had it in London, I could, at least, make my own fortune, if not make anatomy a more popular study.

You may have heard of the death of the king of this place, which took place since I arrived; he was laid in state for all the people to come and behold for three days, after which he was carried in great state to the church of San Lorenzo. An immense number of guards preceded the procession of priests; I think there were some hundreds dressed in white, every part of the body, head, and all being covered; two little apertures only were left for the eyes. I thought them the most horrid-looking beings I ever beheld, and should have thought so still, if they had not been followed by as many ugly priests dressed in black of the same shape—oh, shocking! After these followed all the knights of Tuscany in their state dresses, then the nobles, and after the nobles, the dead piece of royalty in an open coach drawn by six horses: he was in full regimental dress, and his face exposed, resting on an inclined plane of blue velvet spangled with gold. Next came four black horses without riders, a number of servants dressed in smart liveries, and the procession closed with guards. You cannot have much idea of the length of this procession, but I think it was more than two hours in passing under the window where I sat. This procession had been arranged after long deliberation. It is said that all the archives had been searched to ascertain the order of the procession of the great Lorenzo de Medici, and that this was exactly similar.

I am sorry there is so little chance of my hearing from you soon, but I pray you make the experiment, for some letters still pass through Germany, and occasionally even through France, and I have not once heard. In my last letter to Walrond I desired him to direct to your care. If he does, open his letter, and write to tell him how I am circumstanced, and that I will write whenever I can, and entreat him to go nowhere without leaving his address. I consider him as one of my dearest friends, and would on no account lose the pleasure of his correspondence.

Remember me affectionately to Miss B., Mary Anna, and Edward. Yours ever,

HENRY BICKERSTETH.

Florence (supposed July) 1803."

CHAPTER XIII.

RENEWAL OF THE WAR.—DETENTION OF THE ENGLISH TRAVELLERS.—GENEROSITY OF THE QUEEN OF ETRURIA.—LORD OXFORD'S FAMILY REMOVE TO VENICE.—SPIRITED CONDUCT OF MR. BICKERSTETH ON THE VOYAGE.—LEARNS TO MANAGE A GONDOLA.—USE OF THE ACQUIREMENT.—ACCIDENT TO HIS COUSIN ROBERT BATTY.—JOURNEY TO GERMANY.—DRESDEN.—LETTER TO HIS BROTHER.—RETURN TO ENGLAND.—LETTER TO DR. HENDERSON.

War was now daily expected to be declared between England and France; many reasons for dissatisfaction had arisen between the rival Governments—some extravagant demands of the First Consul to the British Government were answered with dignified and courteous language by the Cabinet of St. James's, but the people, through their mouthpiece, the public journals, were not quite so calm—nor were the French less acrimonious and bitter in their retorts; a recriminatory warfare was thus kept up with equal zeal by both nations, and it was apparent from the spirit of the two parties that the sword alone could settle their dispute. The English Government, however, became alarmed on hearing from their Ambassador at Paris what had passed at an interview between him and the First Consul on the 21st of February, 1803, and openly gave orders for the assembling of forces.

On the 10th of the following month the militia was called out, and ten thousand additional men voted for the navy, and preparations were made in the principal harbours of the kingdom for the most vigorous hostilities. These measures were met by corresponding menaces on the part of France; and everything breathed hostility and defiance.

A second violent ebullition of temper on the part of Napoleon was exhibited to the English Ambassador, a few days after he had delivered the King's message to him, which created an extraordinary sensation both in England and France. The English felt themselves insulted in the person of their Ambassador; and war was soon afterwards declared. The English Ambassador demanded and received his passport on the 12th of May, and General Andreossi, the French Ambassador, embarked at Dover on the 18th of the same month, and the flames of war were rekindled in Europe.

Napoleon, in consequence of two French vessels having been captured by the English in the Bay of Audierne, under letters of marque (eight days after the English Ambassador had left Paris, and two after the French had sailed from Dover), immediately ordered that all the British found in France and its provinces should be arrested, and under this decree, thousands of innocent persons were thrown into prison.* The men were sent to the Temple, or the Conciergerie, and the women to Fontainbleau. This severity was the more reprehensible, as the Minister of Foreign Affairs had a few days before given the English in Paris assurances that they should be permitted to leave the country without molestation. In committing this flagrant act, Napoleon expected that he should bring into his power so many distinguished persons, as to compel the British Government to yield to him.

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* It fell to the lot of General Junot (afterwards the Duc d'Abrantes), as governor of Paris, to carry this painful decree into execution in that city. He was sent for by Napoleon in the middle of the night, who put letters into his hands, explaining the cruel measure which

Under this atrocious order Lord Oxford and his family must have been arrested but for the kindness and high feeling of honour of the Queen of Etruria,* who declared that though Napoleon's power might force her to surrender her crown, nothing should induce her to imprison the innocent. The delay caused by this spirited reply enabled Lord Oxford to reach Ancona in safety at the end of August. A small coasting

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was in contemplation. His eyes flashed fire, his whole figure was trembling with agitation. "Junot," said he, "you must, before an hour elapse, take measures, so that all the English, without one single exception, shall be arrested. The Temple, La Force, the Abbaye will hold them—they must be seized;" and with these words he struck the table violently with his fist. "This measure," said Napoleon, "must be executed at seven in the evening. I am resolved that in the obscurest theatre, or lowest restaurateur's in Paris, not an Englishman shall this night be seen." — Mém. de la Duchesse D'Abrant. 398—403.

* Marie-Louise, daughter of Charles IV. of Spain. By a convention with Spain it was stipulated that the province of Tuscany, ceded to the Infanta of Spain, Marie-Louise, third daughter of Charles IV., and the Duke of Parma her husband, should be erected into a monarchy under the title of the Kingdom of Etruria. In 1801, the newly created King Louis I., with his young bride, arrived in Paris on his way from Madrid to Florence, and was received with extraordinary distinction both on the road and in the capital.

vessel under Austrian colours was there procured to take the party to Venice.

On the voyage Mr. Bickersteth asked the captain what he would do if they met a French ship.

"I should surrender if they call to me," was the reply.

"And give us up?"

"What else could I do?"

"Look," said Mr. Bickersteth, "here are my pistols, and on your first intimation of surrender, one is to blow out your brains."

The captain saw from Mr. Bickersteth's determined look that he was in earnest, and, therefore, proposed running over to the Dalmatian coast, as that side of the Adriatic would be safer. He accordingly steered his vessel in that direction, and arrived safely at Venice. Here Mr. Bickersteth, who always endeavoured to adapt himself to circumstances, soon found that it was impossible to take necessary exercise in a place where a horse was as great a curiosity as a camel, and where it was impossible to walk unless you were web-footed; so he resolved to learn to manage the gondola, and as he generally succeeded in whatever he attempted, he soon acquired great skill in rowing "the gondola." It is a fact that must have occurred to the observation of many of us—that there is no art that we learn or knowledge that we acquire, however trifling it may seem, that sooner or later does not become available to some useful purpose. Mr. Bickersteth, while engaged in his new capacity of gondolier, was fortunate enough to save the lives of Lady Oxford and some of her children.

One day, as they were on the Great Canal, Robert

Batty, who was also in the gondola, fell overboard, and in his fright caught hold of, and hung on the side of the boat, which he would certainly have pulled over had not Mr. Bickersteth, who was acting as gondolier, with great presence of mind, pushed him off, and, at the same time, raised him by the oar, and supported him on it until assistance could be obtained.

The overweening ambition of Napoleon was at its zenith, and his hatred against the English so intense, that it became next to an act of madness for any of them to remain on the Continent, and Lord Oxford determined to return home. He consequently, with his family, left Venice in December, 1803.

At Padua Mr. Bickersteth made the acquaintance of Baron d'Hancarville, the author of many learned disquisitions on Raphael, and their acquaintance soon ripened into friendship.

From Padua the party proceeded through Styria and Carinthia to Vienna, and thence by Prague to Dresden. Mr. Bickersteth's letters from this latter place give an admirable sketch of the then state of the Continent, and of the politics of the time.

Dresden, July 2nd, 1804.

"MY DEAREST BROTHER,

"As I had the very great pleasure of receiving your letter dated February 20th, in April last, I am afraid you will have thought me negligent in not answering till now, but really I found it so horrible to write letters in a country where I knew the post-offices were examined by the French, that I hardly thought it worth while to write to anybody, and I believe that not half of the few letters I did write were ever received; now, however, I hope I am in a better case, and whether we remain here, or remove further north, which, in the event of a continental war, is not impossible, I think we shall be able to keep up a tolerably regular correspondence. We have had a very long, and sometimes tedious journey from Padua to this place, but in some parts the country is so beautiful as amply to compensate for every other disagreeable. You may perhaps think it extraordinary that I have no account of remarkable adventures to afford you, but the fact is true. We mount over hills, wind through valleys, cross rivers, are assailed by thunder-storms, and obliged to put up in dark, miserable, cut-throat-looking inns, and all this seems so much in the usual routine of things, that they come to be hardly thought of. In our journey we stopped about a fortnight at Vienna, and ten days at Prague. There is nothing very remarkable to be seen at either of them, though there are many very curious things to be told, but of such a nature as I cannot safely communicate till I see you, which time, although probably still very distant, I look forward to with pleasure, for I am well convinced we shall have equal delight in the meeting.

Although I certainly am not an advocate for the volunteer system as at present established, I am not sorry to hear you are employed in military exercises; for the progress of French influence is so alarming, and most nations of Europe are so humbled before them, that it is highly necessary for England to be active, and (in any way that it can) erect itself into a formidable power to oppose them, and, as Pitt says, 'form an elevated and glorious exception to the general debasement.' When we look on the side of liberty, it is most lamentable to believe such a plan necessary; but when we consider England's future safety and honour among nations, I am afraid we shall be convinced that a large military force, and perhaps even a long and sanguinary war, are the only means to preserve these incalculable advantages; for what other means will keep the French within their limits? I am most fearful that no negotiations will ever induce Bonaparte to agree to many conditions quite necessary, in my opinion, for our peace and comfort: for instance, will he ever allow independence to Holland, Switzerland, Piedmont, Lombardy, and Genoa? Will he withdraw his troops from the rest of Italy? Will he emancipate Spain? Will he give up Flanders? Will he destroy his flat-bottomed boats? Will he do any or all of these things without being absolutely forced? Besides this, it might be argued that either the re-establishment of Venice, or of some independent power in its place, is necessary to the complete tranquillity of Europe. I do not, indeed, think the Venetians, sunk in vice and licentiousness as they are, worthy of liberty; but I am inclined to the belief that some power in their situation is necessary to preserve the balance even. When I tell you I think that England ought to interfere in the adjustment of all these Continental affairs, you will of course think my politics much changed. I grant it; but let us at present only consider if I have reason. The circumstances of the Continent are such, that the French are daily increasing their already enormous power. Their chief object is one they hope some time or other to be able to effectuate, *i. e.*, the subjection of England: this is undoubtedly the ultimate end of all these stretchings of power; and if we do not now stand forward to oppose them, we shall entail, either upon our own old age, or our posterity, a degree of harassing and vexation which might at last wear us out, and cause us to make but a feeble resistance. By the way, I am writing you a letter full of politics, which may perhaps annoy you exceedingly, but I must nevertheless imagine they engross as much of your attention at home as of ours abroad. I will now, however, put an end to my letter, begging you to remember me most affectionately to Miss Braithwaite, Mr. B., and Mr. J., and Edward.

Believe me always your *very very* affectionate brother,

HENRY BICKERSTETH.

If you will write directly, I shall certainly receive your letter at this place. Direct to me at Mr. A. J. Gregory, Banker, Dresden.

I am sure you will with pleasure execute a commission for me. I have got at my uncle's, 'Hume's Essays,' two volumes, and Stewart and Belcham's 'Moral Philosophies;' will you have these four volumes packed up, and directed to me, and send the parcel to Mr. Scott, Serjeant's Inn, Fleet Street, who is Lady Oxford's brother, and he will have it sent to me with some other things he is sending out to his sister."

Mr. Bickersteth's foreign travel seems to have had an effect on him very different from that produced on some tourists, the only result of whose wanderings appears to be, that everything is good abroad, and everything bad at home. He, more justly, feels his love for his native land increase from what he has observed elsewhere.

Dresden, Aug. 5th, 1804.

"My dearest Brother,

"If I tell you nothing else, you will perhaps think it worth while to hear that my affection and friendship for you continue unabated, and that there is nothing I look forward to with greater pleasure than seeing you again, which, if affairs continue to hold their present threatening aspect, it is not impossible may be in the course of two months. I have for some time hoped to hear from you, but if you have not written before you receive this, you had better not write at all, as our destination is so very uncertain. I have not the least news to give; all politics seem to consist in atrocious impudence on the part of the French, the vilest abjection in a certain Imperial body, and slow remonstrances on the part of Russia. What it will come to is difficult to suppose. I understand there are bright genii among you who have discovered that England is ruined, and the war with France unnecessary; but however I may admire and adore the gentle power of peace, my cry should be War! war! perpetual war! till this overgrown power is lessened. I had rather be pinched with hunger, and starved with cold, than have it believed that England could countenance such atrocity, should be thought to connive at such lavish cruelty. But why do they talk of ruin? let them look at other European nations. The land is a desert compared to the fertile plains of England; the people puny, weak, silly in comparison with our men of oak, and good stout honest common sense. Were I to tell you half how patriotic I am grown, you would say my enthusiasm has veered about, and I was grown most prejudiced and illiberal; but, however, I think I am right, and I care but little about what I thought long ago. I have not (I find) time to write more, as Robert Batty is about to depart. Remember me most affectionately to Miss Braithwaite, and believe me ever, yours most affectionately,

HENRY BICKERSTETH."

At Dresden an incident occurred which first showed Mr. Bickersteth's qualification and fitness for the profession of an advocate.

Lord Oxford's Italian courier had been dismissed for insolence, and, presuming on the laws of Saxony, which were extremely favourable to servants, preferred a suit before the court of Dresden to obtain a year's extra wages from his master.

Lord Oxford was strongly advised to compromise the matter, but he was determined not to yield to an unjust claim; and Mr. Bickersteth appeared as a witness on his side. The clearness of his evidence, and the convincing arguments he adduced, so impressed the German judges with the absurdity of the man's claim that he was nonsuited.

Lord Oxford left Dresden in August, 1804, and arrived in England in September. Mr. Bickersteth accompanied the Earl to his seat of Eywood, in Herefordshire; and, with the exception of a hurried visit to Kirkby Lonsdale, he remained at Eywood until the following March.

Some circumstance, which I would fain believe to have been Mr. Bickersteth's procrastination, or, perhaps, the miscarriage of letters from the Continent, seems to have led to an interruption of his cordial intercourse with his friend Henderson; but the breach was soon healed after his return to England, and they entered again on the discussion of the most recondite questions of science.

Nov. 15th, 1804.

"MY DEAR FRIEND,

"Let us have done—let our mutual sins be wiped away, and let us quickly return to all the ardour, cordiality, and confidence of established friendship. You are a generous fellow, or you never would have written me so kind a letter, and I should ill requite your goodness were I longer to dwell on the subject; therefore, let it rest in peace, and cursed be that unhallowed hand which rakes up the ashes of the dead!

I wish you had given me a more particular account of the debate you heard on the reasonableness of believing in the progressive improvement of mankind; for although, to tell you the truth, I am far less inclined than I ever was before, to be convinced by what is said in such debates, yet I must always feel curious to know what is said in them, inasmuch as very useful trains of thought are often excited by them, and the intellect is brought to work in a more vivid and lively manner than it could be, perhaps, in any other way. In such societies it is hardly to be expected that young men will lay before their fellow members an exact picture of processes of thought which probably have not always passed through their own minds; for, unfortunately, the vanity of speaking too often overcomes the modesty of truth, and leaves us little else than a jumble of incongruous opinions derived often from indigested reading, or casual conversation; the clash, however, always has, and always will be useful, and I am well persuaded that few are likely to make as much progress in philosophy as those who have had their first love of knowledge seasoned with ardent passion and enthusiasm; but, at the same time, it must be taken into account, that such seasoning is too apt to pall the appetite for the pure and simple repast of truth. But I know not why I have been writing on this subject so long, instead of asking you how it is possible that temporary political events can shake your confidence in the amelioration of things? I confess I was one of those who believed that ten or twelve years ago human condition had made a leap, or sudden start, in improvement; but the illusion is vanished—no such starts exist in nature, for all progress is slow, gradual, and, perhaps, in a very great measure *imperceptible;* but I am not the less convinced that we are better off now than we should have been a thousand years ago. I am not sure, however, whether the calculators upon this subject go upon that fair and even ground which they ought to do—they seem to be too rapid in the formation of their projections, and in hasty flights of their imagination, to forget many of the circumstances upon which amendment must depend.

For instance, the doctrine is chiefly rested upon the advancement in the arts and sciences ;—now you know well enough that *happiness* does not consist in the *study of the arts and sciences*, but in a well adjusted balance of the active and speculative powers. In the same manner true greatness of character does not consist in a man's excelling in a certain number of useful qualities, or in his having attained one or several brilliant accomplishments, but in the actual possession, due exercise, and honourable display of *all the faculties* of human nature : and the true greatness of a nation is not found either in its power, its riches, or in the perfection to which its arts and sciences may have arisen, but in its possessing in just balance *all* the qualities which tend to increase the glory, as well as the comforts and elegance, of a large society ; that is to say, in short, that the muscle as well as nerve of animal bodies should have such stimuli applied to each of their parts as will cause the due action and display of *all* their powers. I fear you will think I am not arguing very wisely when I say that I am inclined to think that of late years *too much* attention has been paid to nerve —the greatest encouragement is given to arts and sciences—every exertion of human *ingenuity* is applied to the lessening of the labour of man's body—commercial and pecuniary interests are above all others attended to—machines of all kinds are contrived—canals are cut—facilities of communication in every way increased —inactivity and effeminacy spread wide their baneful influences—the most voluptuous and degraded sensations usurp the empire of all moderate, as you will, perhaps, allow me to term them, cœnæsthetical feelings ; while, on the other hand, all high and noble actions are discouraged or ridiculed—everything great or high-minded is considered as the offspring of youth or inexperience ; and if by chance any remarkable instance of spirit of integrity does take place, the best of mankind are more inclined to praise or wonder than to study and imitate it. Surely, these things do not tend to the amendment of man ; and I am of serious opinion that it would be more useful to investigate the means of turning our attention to a more general exercise of our faculties than to confine it altogether, or so much, to speculation in arts and sciences, which chiefly tend, in the way at least they are now studied, to promote employment hostile to the progress of the human race. I am well aware of the injury that might ensue from such a diffused exertion of the animal powers as would tend to lessen or supersede the particular progress in any one; but I mean to contend that it is the character of the times to attend too much to speculation, and too little to bodily improvement, without which it is impossible for human nature to advance towards its perfection. As this, however, is an hypothesis recently formed, I beg your thoughts on it, for I do not insist upon it, but sincerely wish to have my thoughts and opinions upon so important a subject as human improvement, to be precise and well matured. You must excuse the hasty manner in which this is written, as I am in expectation of being interrupted every instant. When you write to Bevan, pray remember me affectionately to him, and tell me when I hear from you next, something about his Thesis—did he write it on the Ear? and if so, did he make any use of the hypothesis I formed about it and communicated to him? I am sure you will not be long in writing; but believe me

Your very affectionate friend,
HENRY BICKERSTETH."

CHAPTER XIV.

LETTER TO DR. HENDERSON.—POWER OF ANALYSIS.—ILLNESS OF LORD OXFORD.—SKILL AND ATTENTION OF MR. BICKERSTETH.—LETTER TO HIS FATHER.—INTIMATION OF HIS DISLIKE TO HIS PROFESSION.

THE following letter was written to his friend Henderson from Eywood in the twenty-second year of his age. His power of analysis, of which he here gives evident proof, in after years became very great, and was, perhaps, one of the chief characteristics of his mind.

Eywood, Saturday, Feb. 9th, 1805.

"MY DEAR HENDERSON,

"I believe that all men who seriously reflect upon philosophical subjects must perceive that in every investigation wherein human passions are concerned there are two things to be considered. The abstract truth, and the extent to which that truth can be applied to practice in the present state of things. I am led to make this remark, because I think I observe that, on the subject of our two last letters, although there may be some marked difference between us when we descend to minute and particular applications, yet we seem to be sufficiently agreed upon the general question. For example, I think we do not differ in the following principles:—

I. 'It ought not to be the leading object of any one to become an eminent metaphysician, mathematician, or poet.'—Stewart's Philosophy of the Human Mind.

II. 'A wise man will retain the various faculties of his nature in just equilibrium.' — Henderson's last letter.

III. 'The greatest character is that which possesses and exercises the greatest number of useful faculties in the greatest perfection.'

IV. 'That all exertion ought to tend to individual happiness and public welfare,' (Henderson's last letter;) or, in other words, it ought to be the leading object of a man, 'to make himself happy as an individual, an agreeable, a respectable and an useful member of society.' —Stewart, same place.

V. 'That nation is happiest and greatest whose individual members are so disposed and qualified.'

On the presumption that these deductions are common to us both, I shall proceed to consider the more practical parts of our question in which we appear to vary. But first let me revert to a subject which I think I mentioned in my last, *viz.*, the necessity there is to avoid a confusion between the progress of arts and sciences, and the progress of mankind towards perfection. If all our advancement depended upon our abstract speculations, the exercise of our ingenuity, or the saving of labour of our hands, I would then allow that the advancement of knowledge, or in other words, a predominant excitability of the nervous system, and human improvement were synonymous terms. But as the course of nature is fixed and independent of our speculations, as ingenuity is but one property of our complicated system; and as our principles of action depend upon excitements stirred up in all the several parts of our frame, it appears to me more natural that an exclusive exercise of any of our faculties ought to be considered a diminution of the perfection of our nature. Not that I would quarrel with any individual who employs himself almost exclusively in whatever pursuit he may think contributes most to his happiness; but if it should so happen, that in a whole nation the greater number of individuals should incline one way, it then seems reasonable to conclude, that although such a nation may for a time waver on the brink, it will at length be precipitated into the gulf of destruction.

Now, the natural indolence of mankind leads them, after the spurs of necessity and ambition are gone by, to sink into an exclusive love of the sciences and the fine arts. Love of gain begins to predominate over the love of glory and honour; and thus, it is but too true, has perdition overwhelmed the greatest empires of the earth.

And, again, when one considers that in the present times honour is held up to ridicule as a bubble, and poetry is far on the decline,—a proof that imagination holds not a proper rank among us; that almost all calculations concern profit and loss,—a proof that but one part of the judgment is in esteem; and, above all, when one reflects that all noble and manly and vigorous exercises have fallen into contempt and disuse,—a proof that the muscular system has lost its excitability; I say when it is considered that these circumstances are ascribable to the inordinate love of commerce, of arts, and of sciences, which prevails, it is not so wonderful one should be led to imagine ‘ that the manner in which they are now studied, or cultivated, or practised, has a tendency to promote employments hostile to our improvement.’ (My last letter.) And, indeed, I think, that if you allowed my premises to be just, you would without difficulty acknowledge my conclusion. But to the premises you object, and tell me, ‘ that the evils are not necessary, inasmuch as, I. They may be obviated by due attention to bodily exercise, and, II. The improvements in machinery must lessen the number of individuals necessary to be employed in sedentary habits.’—Henderson’s last letter.

I will notice your second reason first, and begin by observing, that improvements in machinery necessarily apply to agriculture and all other employments, as well as to manufactures; we have threshing machines as well as our spinning jennies, and the uniform object and tendency of all such contrivances is to lessen the necessity of muscular exertion. Now, from all the reflection I have been able to bestow upon a nascent hypothesis, I cannot yet convince myself that this tendency is advantageous, especially in a state where the population is sufficient to perform all work, and more than sufficient to perform all necessary work. But you will say these machines allow, at least, more time for voluntary exercise, and this brings me to the consideration of your first reason.

A very curious question, on the founding of cities, is agitated by Machiavel, and is, in my opinion, very applicable to this subject. I trust you will excuse me for quoting his expressions in the original language,

because no translation can come up to them:—'Perchè gli uomini operano o per necessità, o per elezzione; e perchè si vede quivi esser maggiore virtù, dove la elezzione ha meno autorità; è da considerare, se sarebbe meglio eleggere per la edificazione delle cittadi, luoghi sterili, acciochè gli uomini costretti ad industriarsi, meno occupati dall' ozio, vivessino più uniti, avendo per la povertà del sito, minore cagione di discordie.'—Machiavelli, 'Discorsi,' Lib. i. cap. i. Opere, T. v. p. 15.

This choice, he goes on to say, would be far the wisest, if mankind could be sure of not being attacked by their neighbours, but as power is the only security, it becomes necessary to choose a more fertile spot, which would leave more men at leisure to defend their country, who, of course, when no fighting was going forward, would, like your men relieved from work by machines, in a long-established state, have plenty of time for voluntary exercise; but, says my author, following up his train of reasoning, idleness and profligacy will naturally creep in among them, and they have, in fact, been the ruin of all great nations. This is, therefore, an alarming evil to be provided against, and he thus draws his conclusion:—'Dico adunque essere più prudente elezione porsi in luogo fertile, quando quella fertilità con le leggi, fra debiti termini, si ristringe.'—*Ibid.* p. 17.

Now I think that you will in the end agree with me, that the members of a polished and luxurious nation will not be induced, any more than these beginners, to use violent and wholesome exercise, so necessary to fortify their frames, unless they are under some positive obligation so to do; and besides this, is it not plain that their habits must acquire a directly contrary bias, from their being constantly and daily in the practice of doing everything they can, contriving everything their ingenuity can suggest, to lessen bodily labour, to attain which end they look upon as the *summum bonum* of life? It is not agreeable to consider mankind in this point of view, so negligent of their best interests, so inconsiderate about their real welfare. Machiavel, whom I again beg to quote, because I believe him to be one of the best of political writers, has given us a very unpleasant, but certainly true maxim:—'E necessario a chi dispone una republica ed ordina leggi in quella, presuppore tutti gli uomini essere cattivi, e che gli abbino sempre ad usare la malignità dell' animo loro, qualunque volta ne abbino libera occasione.'—Discorsi, Lib. i. c. iii. Opere, T. v. p. 27.

However melancholy it is, it is most probably certain, that if a state were to be founded on other principles it would soon be lost in anarchy and confusion. Forgive me for wandering again into generalities,—I will now return to experience, which shows us that the lower orders of these commercial and manufacturing and machine-using men are the most idle, profligate, drunken, and disorderly members of society.* Look at their squalid, miserable complexions and appearance; ponder well their unhealthy constitutions, and conclude whether they are not going a retrograde pace towards perfection. Surely a nation the greatest number of whose members incline towards these employments is already within the pale of its destruction; if it be far gone, the first powerful neighbour who strikes the blow must be its conqueror. I am of opinion that our own country, though perhaps not irretrievably lost, is fast verging towards this frightful termination. After these observations, I must be excused for retaining my opinion that the evils necessarily follow from the fashion that now prevails, of encouraging arts and manufactures and machines, to the exclusion of strong and vigorous habits of life, and to the flocking together in cities, instead of spending our time in a hardy manner in the country.

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* This was written in 1805. In later years Lord L—— used to speak with admiration of the virtues of this very class, and rejoice in the vast improvement they had effected in their own course of conduct.—J. E. L.

You will, perhaps, object to my argument, that although arts and sciences may injuriously tend to promote sedentary employments and machines, canals, railways, and such like contrivances to supersede the necessity of bodily strength, yet they do at the same time tend to improve political knowledge,—that the first principles of legislation may be discovered, and thus the evil will itself produce a remedy to check its progress. I might, perhaps, be inclined to grant this inference in the abstract, but in practice the nearest profit devours all other motives, and it is much to be feared that before political science has arrived at its perfection, the subjects for its application will be too far corrupted to derive from it that benefit, which it ought to produce; unless indeed it can be supposed to attain such a pitch as to provide a remedy for every imperfection of our nature—a supposition hardly credible. This part of my subject appears so gloomy, that I cannot help sometimes being inclined to think in human progress what Hume insinuated with respect to learning, (' Essays v. i. p. 127,') that interruptions in its periods might be rather favourable to its ultimate advancement: bad manners might be lost, and the true philosophy remain.

Having in this manner, attempted to defend my former position, I wish to make a few remarks concerning what you have said on political economy, and the division of labour. It is highly necessary in all arguments, and in none more than this, to keep in mind a proper signification of our terms; you will, therefore, permit me to transcribe a definition of Sir James Stuart,—' Economy in general,' says he, (' Elements of Political Economy,' v. i. p. 1,) 'is the art of providing for all the wants of a family with prudence and frugality;' and further (p. 2) on, ' What economy is in a family, political economy is in a state.' This, too, I apprehend is the opinion of Adam Smith, and most other writers on the subject.

Never having had the advantage of attending the lectures of Dugald Stewart, I know not what idea he may have of it, but with the foregoing definition before me, and considering that neither riches, nor the increased population following upon them, constitute either the happiness or the greatness of a state, I cannot agree with what you have stated to be his opinion, or that any system of political economy can be so primarily and essentially necessary to their existence. You will pardon me when I say that it appears to me you have confounded the terms political economy and legislation, or government, for if you put either of them in the place of the one you have used, I can give my assent to your deduction.

With respect to the division of labour, no man can ever doubt that it does, on the whole, tend infinitely to advance arts and manufactures. I will, however, on this subject observe that, the more minute is the division and subdivision, the more necessity is there of a presiding mind to combine the disjointed parts, the more difficulty there is to obtain it, and, consequently, the less chance there is of its existence. This, I imagine it would be easy to prove from indisputable facts, and I conclude, that although division of labour may improve mechanical skill and address, and may, perhaps, have the same effect with regard to mental operations, and although it increases the number of workmen, thus acting in a directly opposite manner to your doctrine of machinery, yet it has almost a direct tendency to lessen the powers of general comprehension, and the world has been long acquainted with its uniform effect in bringing on ignorance, corrupting morality, and inducing lazy, profligate and dissolute manners, which assuredly are not the channels towards perfection.

I have at present neither time nor room to tell you why I still retain many of the opinions respecting human improvement, notwithstanding the error I think the generality of people now running into. I shall only observe generally, that I do not think it at all surprising that things should have taken this turn in modern times, as well as in ancient. Men have always been so much accustomed to consider their minds alone as distinguishing them from the herd that grazes, that it is natural enough they should, in refined times particularly, be led by their vanity to cultivate and respect that which they think peculiarly theirs. But philosophy teaches plainly enough that mind is but a part of our system, and I must hold that, however exalted it may be, if accompanied with great weakness or effeminacy of body, the compound can but be considered as an inferior sort of animal. It is the united superiority of both, that can alone give us a decided rank above other living beings. Reasoning in a private and confidential manner with you, I am not afraid of being suspected to run into the opposite extreme, and recommend the exclusive exercise of bodily powers, and all the savage uncouthness of such an extravagant plan. Far from this, I am even rather inclined to think that, on the whole, it is better to pay most attention to *mind;* but as I said before, I am led to conclude that when a whole community bends that way, it is advancing towards its ruin. It is superfluous to say that my mind is far from being perfectly made up upon these matters, and there are still many *uncertain ideas* about them floating in it. I am afraid, however, that the tediousness of this epistle will have already sufficiently tired you, and I leave it to yourself whether we shall continue the subject any further. My writing to you is a sort of thinking upon paper, for I express myself without either reserve or forethought, and I trust to your friendship for the excuse of all incongruities or inconsistencies.

. . . .

You inquire about my plans, concerning which if I had any settled notion, I would not delay informing you. I can only say, at present, that my dislike to the practice of medicine has gone on so fast increasing that I am pretty far advanced in a resolution never to have anything more to do with it. As you will easily believe, I have no intention of living in idleness, but my projects are as yet so very imperfect that they have not even acquired sufficient consistency to enable me to communicate them to a friend.

Will you be so good as to inform me in your next at what time Dugald Stewart gives his lectures on 'Political Economy,' how long they last, &c.

Believe me ever yours most sincerely and affectionately, HENRY BICKERSTETH."

While Mr. Bickersteth was at Eywood, Lord Oxford was attacked with an alarming illness; it was entirely through the skill and unremitting attention of his young medical adviser that the Earl was restored to health, and he afterwards commonly spoke of Mr. Bickersteth as the preserver of his life.

In his letter to his parents written on the 1st of August, 1805, he expresses his hope that Lord Oxford will exert himself to procure him the means of extricating himself from a profession which he cannot like.

The interest he feels about the success of his two brothers is both natural and pleasing. In this letter we meet with the first allusion to his brother John's desire to quit the General Post Office and take orders.

"My dearest Parents,

"I should have written to you long before this time, if my mind had not been almost entirely occupied by a severe illness which attacked Lord Oxford about three weeks ago, and since his recovery by a number of temporary engagements and my studies, which I am now able to carry on with some effect. Lord Oxford's complaint was a putrid sore throat, and for three or four days his life was in very great danger; I staid with him constantly, both night and day, till this was past, and I have the satisfaction to think that I was of great use to him. Lady Oxford hardly ever left his bed-side, and as you may suppose, the greatest alarm and distress prevailed both through the family and the country, for he is extremely popular. You will be happy to hear that he has been so sensible of my care and attention to him, that he has repeatedly thanked me as the preserver of his life, and I have now less doubt than ever that he will exert himself to procure me the means of extricating myself from a profession which I cannot like.

I have already got some letters to the Postmaster-General, which I most sincerely hope will be of service to my brother John, who so well deserves a better situation than he has got, though I verily believe that, since he has been so much engaged in the Post Office, it is the best way for him to procure advancement there. As to taking orders, I consider that as too great a risk to run for the small chance there is of procuring a living of any value.

I was rather surprised to hear of my father's journey to Liverpool.

The account you give of Robert is perfectly satisfactory, and such as I expected, for I have always believed in his steadiness and ability. As I was only with my uncle half an hour, I had not much opportunity of talking about lectures, but he confirmed my opinion, that Windmill Street is quite fallen off. Brookes' school is better than that, and the Borough much better than either. Might not Robert be half the winter at one, and the other half at the other end of the town, in which case he would both hear my uncle's lectures, and attend the best anatomy?

I dare say Mary Anna would enjoy exceedingly her jaunt to Liverpool. It is very kind in Mrs. Addison to keep her so much at Preston, where she is likely to improve herself in almost everything.

With best love to all about you, I remain, my dearest parents, your ever affectionate and dutiful son,

HENRY BICKERSTETH.

Eywood [no date]."

CHAPTER XV.

DETERMINES TO ABANDON THE MEDICAL PROFESSION.—HAS THOUGHTS OF THE ARMY.—RETURNS TO RESIDENCE AT CAMBRIDGE.—LETTERS TO DR. HENDERSON.—LITTLE DESIROUS OF A MEDICAL DEGREE.—LORD MELVILLE.—RETURNS TO EYWOOD.—LETTER TO HIS FATHER.

Mr. Bickersteth's desire to abandon his present profession was now daily increasing; he, however, reluctantly determined to return to Cambridge and pursue his studies there, though he expressed doubts as to the propriety of continuing at such an expensive place to fit himself for a profession which has become so really disagreeable to him; and he announced to his parents his wish to enter the army and serve his country, especially as it was in need of every arm that was capable of striking a blow, and he hoped by such means speedily to relieve his father from expense on his account, and to become entirely independent in three years. "Very different this," he writes, "from living at Cambridge, where I should waste my all upon a chance."

How different would have been his sentiments could he but have turned over a single leaf of the book of fate: instead of *chance* he would have seen *certainty*—triumphant success, honour, wealth, and dignity inscribed in unfading letters on the scroll of the Future.

Having returned to Cambridge, he found a probability of obstacles to his obtaining a medical degree, and he therefore resolved to devote the short time he thought of remaining there rather to the general improvement of his mind than to purely professional studies, as we see from the following letter to Dr. Henderson.

Caius College, Cambridge, May 25th, 1805.

"My dear Henderson,

"I should have written to you some days ago if I had not been in hopes of seeing your friend, Mr. Marsh. I called on him the second morning after my arrival at this place, and not finding him at home, I left your letter, and have not heard anything of him since. I find, however, that he is a man of the very highest reputation in this university; he has been preaching a set of sermons lately in the University Church, and gained the highest applause. I am going to hear him there this afternoon.

I can now understand why Paley gave up his intention of graduating at Cambridge, for I am told that an old law of the college has been revived since I was here last, which enacts that, 'if any person getting admittance as a student of medicine, or candidate for a medical degree, shall any time between his admittance and obtaining a bachelor's degree, be found in the *general habit* of prescribing medicines and taking fees, he is to be deprived of his right of graduating when his time is completed, and unless he takes his name off the books and begins *de novo*, he loses his degree altogether.' I am not sure how far I may be brought under the influence of this law, which was chiefly revived by the exertions of the Master of the College to which I belong, and whose actions in that respect are of course watched with great jealousy by all the rest of the University.

You know, however, that I am very little anxious about a medical degree, and I am not sure whether I would take one at their hands if they would give it me to-morrow. I find this a very convenient place to live at and study in, and I regard little any other consequences of residing here than the improvement of my mind. I have been but idle during this last week, as I have had much to prepare and look about me, and my books are not all yet arrived, but I mean for the next five or six weeks to work hard at the classics, in which, from long neglect, I find myself exceedingly deficient. I don't know how far you will approve of this employment, nor am I well prepared to defend it on abstract principles: the truth is, that I have found it both provoking and humiliating to be ignorant of what all the world beside is well acquainted with, and I think it worth some pains to get rid of the uncomfortable sensation.

I see Lord Melville has shown his face in the House of Peers with no common resolution. I must say that I never in my life heard of a man with so much brass in his constitution. Write to me when you can, and believe me always your most affectionate friend,

HENRY BICKERSTETH."

A small tract of his friend gave occasion to the following just and striking remarks.

Caius College, Cambridge, June 21st, 1805

"MY DEAR HENDERSON,

"I am really ashamed of my long silence, which nothing should have prolonged until this time but continued occupation, and the uncertainty how long I might remain here. I have read your 'Essay on the Application of General Principles to Medicine' with great attention and pleasure. There are none of your principles from which I at all differ, and I think that the illustrations you adduce bring with them sufficient evidence of the truth of your positions. I shall, however, offer you one or two general observations upon the main subject of your paper. You undoubtedly prove that that man is the best physician who to long experience adds a mind which is unprejudiced and capable of general reasoning, and forming true deductions therefrom; and from this fact you recommend, as it seems to me, *all* physicians to practise themselves in generalizing and combining into a system their isolated remarks, but with this proviso, that they do it with an unprejudiced mind, and in conformity to the principles of sound reasoning. If you address yourself to those men only who are really enlightened and unprejudiced, I agree with you *in toto*; but if you address yourself to men in general, I must hesitate before I give you my assent. I am so little sanguine, that I am of opinion that four-fifths of mankind are violently prejudiced, and incapable of generalizing in conformity to sound reason. I believe, too, that a greater proportion consider themselves an unprejudiced, &c., and consequently qualified to act according to your principles. Now let us suppose that all these people were to begin to act according to your method, I very much fear that the few who were prudent in their generalization would be quite lost in the immense crowd of those who were otherwise.

You will allow that a man without theory may get on through a long practice, doing a vast deal of good, and making no grand mistake. An extraordinary case to be sure may happen, sooner or later, which he understands not, and he may kill his patient; but I should contend —and I think you will allow this, too—that the daring theorist, who does not reason with an unprejudiced and enlightened mind, is like enough to kill a hundred to the one of the other. This train of thought leads me to think that a *general application* of your principles would be dangerous, though I am well convinced of their *truth.* From their being used by foolish and rash persons, all the old absurdities might be renewed, and new ones, even more distant from anything reasonable, be added to them. I am nevertheless of opinion that your principles will be eminently useful when applied by fit persons; but I confess that, for my own part, I have almost laid aside the terms 'rapid advances,' 'unbounded career,' and a variety of others which I formerly delighted to find among the supporters or followers of the economists.

I feel hardly capable of making any remarks on your 'Essay on Fever;' but, considering it in the light you seem to wish, as an illustration of the other paper, I think it completely answers your purpose. Your doctrine of proportionate excitement seems to be very similar to my own, and this I assure you is no small gratification to me. You have confuted, in a very satisfactory manner, the absurd essay of Kirwan's, which I remember to have read when I was at Edinburgh. If he had done nothing for science but publish that essay, I think he would have deserved even more harshness than you have bestowed upon him; as it is, I really think the principles you set out with require a little more gentleness towards him.

I shall leave Cambridge early next Tuesday morning, and in a few days afterwards I shall be at Eywood. I will thank you to direct to me under cover to Lord Oxford, as you used to do. I hope you will come off prosperously with your patient; and, more than all, I hope you will not lose the main chance. I have not heard a syllable of Marsh, and I have now given up all expectation of it. I shall leave your three papers, with which I assure you I have been much gratified, with my brother, so that you can have them when you return to town. Your ever affectionate friend,

HENRY BICKERSTETH."

To his father he writes to ask his opinion as to a plan that he had formed of entering the army, and which appeared to his youthful imagination a far more promising path to independence than his profession, or a college residence, could supply.

London, Sept. 19th, 1805.

"MY DEAREST PARENTS,

"I arrived very safe in town about half-past nine o'clock on Tuesday morning. I mean to go to Cambridge on Saturday, and be as industrious as I can to advance myself in those studies which are most cultivated there; but there is another plan which has entered seriously into my contemplation, and about which I am very desirous of having your opinion as soon as possible. I confess to you that the idea that in the perilous situation of affairs every man might be called upon and absolutely obliged to go out and serve his country, first suggested to me the advantages which might accrue from entering the army, but afterwards other considerations added force to the first notion. The profession in which I am already embarked is really become so disagreeable to me, that I do not think I could enjoy any happiness in the practice of it; and that being the case, it seems to me at best but a doubtful mode of proceeding to continue so long at such an expensive place as Cambridge.

By the numerous services I have rendered to Lord Oxford and his family ever since I first knew them, I feel myself entitled to every interest they can exert for me; but politically * speaking, I cannot think it worth while for me to spend all my money at Cambridge, waiting for the chance. I have inquired about the interest they could exert for me in the army, and I find that

* Quære? Prudentially.

they are connected with two or three persons of the first consequence, and would be very happy to make any application for me. Indeed, so sanguine are they, that they think they could obtain for me immediately, a lieutenant's commission for nothing, and afterwards assist me in getting advancement. If they should be able to obtain this commission for me directly, I should really like to accept it; but if it is refused, *I should give up all thoughts* of the plan, for I am not desirous of going to work in uncertainty. They have not yet applied, but would do so the instant I asked them, therefore pray write to me immediately. A great advantage I propose from the plan is to enter immediately upon a settled line of life, and no longer remain in the anxious uncertainty I have lately been. Another is, that I should immediately receive pay, which, though it would not at first be quite sufficient to support me, would so nearly do it, that I could easily make up the deficiency from my present fund, and in THREE YEARS *I should have such advancement as would make me independent.* Very different this from living at Cambridge, where I should waste my all upon a chance.

With regard to the danger which may be supposed to attach to this scheme, it appears to be idle to waste a thought on the subject, at a time when every individual, old and young, may be called to battle, and when the country is really in need of every arm which is capable of striking. I do hope, therefore, that you will entirely abstract all thoughts of peril from the subject, and consider it merely as a matter of interest: in which case I can hardly doubt, but your opinion will correspond with my calculations. I shall wait impatiently for your answer, which you will be kind enough to direct to Cambridge. John and Edward join in best love to you, Mary Anna and Charlotte.

Believe me ever
Your very dutiful and affectionate son,
HENRY BICKERSTETH.

Pray do not communicate this plan to any one until it is finally settled, for unless I could obtain the commission *gratis* I shall think no more of it."

CHAPTER XVI.

HIS PARENTS DISAPPROVE OF HIS ENTERING THE ARMY.—HIS LETTER ON THE SUBJECT. — THE PROJECT ABANDONED. — RETURN TO CAMBRIDGE.—DR. CHAPMAN'S STATEMENT.—BECOMES JUNIOR FELLOW OF HIS COLLEGE. — LETTER TO HIS FATHER DESCRIBING HIS COLLEGE LIFE.—PROFESSOR SEDGWICK'S ACCOUNT OF HIS STUDIES.—READING SHAKSPEARE AND THE ITALIAN POETS HIS ONLY RECREATION.

WE see from the following letter to his father that his project was disapproved of; and although in it he urges various arguments in its favour, they seem not to have produced the desired effect:—

Cambridge, Sept. 26th, 1805.

"MY DEAREST PARENTS,

"Though infinitely obliged by the anxiety you express for my welfare, I cannot help feeling considerably hurt at the tone of displeasure in which your last letter is written; and that more particularly, as, after weighing with as much care as has been in my power, all the objections you have made to my proposal, I confess they do not bring such conviction to my mind as would make me immediately give it up. The difficulty of gaining promotion seems the difficulty of greatest consequence, and I assure you, that, unless I can be tolerably certain of that, I will think no more of the plan. In order to ascertain the matter, I have requested my friends to apply to an authority from which I hope they will be able to obtain certain information; and if there should be any ambiguity in the answer they receive, I shall have done. So far, I hope, you will depend upon me, that I have no inclination to walk into a trap, without looking well before me. If, however, I had a tolerably certain prospect, I am really of opinion that the army is better than college.

In all probability I should be obliged to stay here three years before I could have a degree. At that period I have no reason to expect the good luck of being appointed tutor to a college, like Starkie, and I must take my chance with others for the acquisition of private pupils. Several years might elapse before I obtained a fellowship worth 100*l.* a-year, and, in the meantime, I must be in a state of the greatest poverty. Now the money which I should spend in College, before I got my degree, would, in the same time (three years), procure me a captain's commission in the army, and that is a situation more valuable than I believe any fellowship in the university. By good conduct, too, which must be particularly likely to have its effect, if officers are, in general, such as you describe them, and by my interest, if it is good for anything, it is possible that I might become aide-de-camp to some general officer, which is a situation not only very profitable, but highly honorable, and certainly productive of farther advancement. With regard to the figure a man may cut in life, it strikes me that there is no path so open to renown as the military, nor, at this time, any profession so useful to his country. I will take an example from our own rank of life. General Moore is considered as one of the best officers in the service — who is more celebrated, or who is looked up to with more hope and confidence by all England than he is? I have lately been in the habit of living so much among persons whose expenses I never could think of equalling, that I should not feel the smallest humiliation in the world from so trivial a circumstance. I know my rank in life, and was never yet ashamed to own myself not rich, even to the most purse-proud. I trust I profited better from the instructions you instilled into me in my childhood.

As to being under the command of persons of small intellectual attainments, that would only be in military matters, in which, for a long time they would be my superiors. This, however, is one of the disagreeable circumstances upon which I have calculated, and which, if I am not grossly mistaken in myself, I shall be able to support. The lounging, dissolute life you mention, is, I imagine, not necessarily attached to a soldier's life, as is proved by all history. The greatest philosophers and historians of old were many of them soldiers; and in modern times the same thing has often been seen. And if the mind be disposed to industry, it is not at all wonderful that this should be the case; no man has so much leisure to bestow upon his own acquirements as a soldier. My dearest mother has hinted at the danger. I conceive, however, that this is a time in which that consideration ought not to influence any man's conduct. Every one ought to stand forward to do his utmost to resist and annoy the enemy. I should be glad, for the sake of Old England, to believe that a *safe* peace might soon be made; I fear, however, that no such agreeable prospect is before us, and I am sure, if it is, it can only be realized by every Englishman's rising up not to defend our own shores only, but to attack the tiger in his den.

I am extremely sorry that my conduct should appear to you so unsteady and unsettled,—if a change could be made for the better, I should certainly think it right to take advantage of it. I now, however, only seek for a steady object before me,—that once obtained, I do not think I should be unsteady in the pursuit.

It will be at least ten days or a fortnight before I can have an answer to my question about promotion; as soon as I receive it, I will communicate it to you, and in the meantime, I suspend all determination. Lord Oxford forwarded your former letter from Eywood immediately.

With best love to Mary Anna, I remain, my dearest parents, ever your very dutiful and affectionate son,

HENRY BICKERSTETH."

The dissatisfaction expressed by his parents, and his own disappointment at only being able to obtain an ensigncy, determined him to give up all thoughts of going into the army, and to adhere steadily to his studies at Cambridge. And now he felt his neglect of mathematics, and how much he was behind those with whom he had to contend, but he determined by constant industry to overtake them,—and to spare no pains in obtaining the object he had then in view, a fellowship.

He had retained his Hewitt's scholarship, until the 31st of October, 1804, when, on the probability of his returning to reside in college, he was translated into one founded by the celebrated John Cosin, Bishop of Durham. This scholarship had but a small endowment, but he continued to hold it till he was elected a junior fellow of the college. Besides his Cosin's scholarship, he obtained an exhibition on the 29th of October, 1806, founded by Mr. Wortley, formerly a fellow of the college, which was worth 12*l.* a-year.

Dr. Chapman, speaking of Henry Bickersteth's return to Cambridge, says,—"I was tutor when he returned to college, in 1805; the early part of Easter term was that in which the college lectures were given, and that was the part in which the students were required to reside. I had some conversation with him relative to the studies he intended to prosecute; he was then too old to hold a Tancred studentship, provided he could have obtained one; and I earnestly advised him to take his degree in Arts, and to read hard for his degree; and fortunately for him he followed my advice; had he taken his degree in medicine, he would have died a distinguished character, I have no doubt, as Dr. Bickersteth, instead of with the title of a peer, as Lord Langdale."

His college life is described in the following letters to his father; but his modesty, or perhaps a fear of awaking apprehensions as to his health, prevented his representing himself as the "desperately hard student" which his contemporary, Professor Sedgwick, depicts, in the interesting sketch with which he has favoured me.

Caius College, Cambridge, Saturday, Oct. 19th, 1805.

"MY DEAREST PARENTS,

"I am extremely sorry that I have not been able to remove your suspense on my account before now; but letters are so long passing and re-passing, that until this morning I have had no final answer. As my expectations are disappointed, I am sorry I ever gave you a moment's trouble upon the subject; but I considered it my duty to acquaint you before I made the slightest application. I have been offered an ensigncy without purchase, and, if I had pleased, might have been by this time in possession of it; but I knew that an ensign's pay is not sufficient for support; and that to expect any farther advancement, it would be necessary to purchase a lieutenancy, which I am not able to do. This being the case, I have given up the plan without hesitation, and shall go on steadily in my college pursuits. There are considerable obstacles in my way, but I shall not despair of gaining a fellowship in the end. The worst is that I am, in mathematical studies, considerably behind those with whom I must contend. I hope, however, that by constant industry* I shall be able to overtake them. My degree I shall be able to obtain next January two years, and I have till that time to prepare myself, which is something. The Term began on the 10th instant, but no business will be done for a fortnight to come. It is lucky, however, that I came here so early, otherwise I should have been very deficient. I spend my time entirely in the study of mathematics, and Starkie is kind enough to assist me in getting over some of the difficulties in my way. It is my intention to spare no pains in attaining the object I have in view.

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* Reading Shakspeare was the only relaxation he allowed himself.

It is not likely that I should hear any more about the army, but if I do I will immediately communicate it to you. With best love to Mary Anna and Charlotte. I remain, my dearest parents, ever your most dutiful and affectionate son, HENRY BICKERSTETH."

His conscientious regard for his father's limited finances, and his earnest determination not to waste any portion of his time, are very apparent in the following letter:

November 15th, 1805.

"MY DEAREST PARENTS,

"I received your affectionate letter, and its contents, safe this morning. I return you my sincerest thanks for your kind present, which I assure you it shall be my endeavour to make a proper use of. I am not aware of being at present guilty of any improper expense, and I trust that I never shall be. As most of my things were broken or lost while I was so long away, I have been obliged to spend something, though not much, in refitting my room; and with regard to ordinary expenses, I make it a rule never to go beyond what is absolutely necessary. My studies proceed with tolerable success; and if I am able to continue in the same train, I shall not doubt of obtaining a fellowship as soon as I get my degree. I take care to use exercise regularly every day, so that I hope my health will be in no danger. With respect to college friends, I believe I may say, I have fewer acquaintance than any man in the University; and, for the present, I wish it to be so. If I get a good degree, I shall meet with friends enough, and in the meantime acquaintances would but impede my progress.

I have seen Moore only once, about a week ago—he was then well. Starkie I see almost every day: he goes to London to-morrow to keep his term in the Temple; but he will return in the course of next week.

Employing my time as I do, I have but little to say concerning myself; all I can say is, that from morning till night I am endeavouring to take advantage of the many opportunities Cambridge affords for improvement, and I trust that in the end I shall succeed in acquiring what I want.

With best love to Mary Anna and Charlotte, I am, my dearest parents, your ever affectionate and dutiful son, HENRY BICKERSTETH."

This letter shows the life he led at Cambridge, and it is confirmed by a description I have received of him while there, by one of the most intellectual and highly gifted men this country has ever produced—I mean Professor Sedgwick.

" He led the life of a severe student, and almost of a recluse, during the first two terms of his undergraduateship. It was not until my third Cambridge year that I heard of Henry Bickersteth, a desperately hard student* of Caius College, who would probably be the captain of his year; and I well remember the day, in the winter of 1806 and 1807, when he was first pointed out to me, striding rapidly behind our college for exercise. On those occasions he always wore his cap and gown. It was impossible to forget his rapid stride, his vigorous and active frame, his fine features and his thoughtful look; but even then his complexion was somewhat pale and sallow. He had the look of a man who was taxing his health by over-work in his study, and who was older than the average age of an undergraduate. Soon afterwards I became well acquainted with him; for, at that time, the men of the same year were brought together by their exercises and disputations in the Schools. Perhaps we drew a little closer together because we were natives of the same part of the North of England; for my birth-place, in the valley of Dent, was only ten short miles (by a wild mountain road) from Kirkby Lonsdale, the birth-place of Henry Bickersteth. Whenever he came to visit me, all my friends were anxious to be invited; for he was one of the great lions of the year. He had no reserve, but threw out his sentiments vigorously and brilliantly; his manners were firm and gentlemanlike, and in knowledge of the world he was greatly our superior. He had no apparent objection to any argument, and he knew how to listen to his opponent; but if ever he had to deal with a man who seemed to be defending what was mean or base, he was not sparing in invectives. I have heard that, on one or two occasions at the Debating Society, his invectives and sarcasms were most overwhelming and withering. I am now speaking of Lord Langdale when he was an undergraduate, or junior bachelor, for he did not reside in college long after he took his bachelor's degree. In his habits he was temperate even to singularity, at a time when deep drinking was too often the habit of the day, and in conversation he was chaste and pure. I never heard an indecent word or indecent allusion pass his lips. This may be thought small praise; but at that time we were in the habit of hearing indecent toasts and filthy allusions from the lips of men who ought to have known better. He had the character here, and he well deserved it, of being a pure, just, and truth-loving man. In these good qualities I never knew his superior, and I have rarely known his match.

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* Yet while working so hard he found time to write frequently to Lady Jane Harley, the eldest daughter of Lord Oxford, in whose education he had taken a great interest while abroad.

He did not quite do himself justice in his first 'public act,' held in the Soph's School, in the Lent Term of 1807; but his act in the October Term of the same year was the most triumphant I ever witnessed. He literally seemed to trample his 'opponents' under foot.

Such was Mr. Bickersteth at Cambridge; there he continued working hard and qualifying himself to carry off the prize he had determined to possess. The only relaxation he allowed himself was reading Shakspeare and the Italian poets. So fond was he of the latter, that one of his contemporaries at the same college, and who is now the head of the profession he adorns by his learning and kind-heartedness—need I name Dr. Paris, President of the College of Physicians?—told me that he never saw him in his rooms that he was not reading Dante or Alfieri or some Italian poet; nor did he ever remember seeing him mix in any of the recreations or amusements of the men of his own or any other college."

That his own unsettled prospects had their proper effect, in making him, not selfish, but a warm sympathizer with the trials and difficulties of others, is apparent from the following letter:—

Cambridge, Sunday evening, [Nov. 25th, 1805.]

"My dear Henderson,

"I am extremely sorry to hear that you are still in so unsettled a state. It appears from what you say that either Dr. Rees or Mr. Williams has treated you ill, and if the matter is not somehow or other explained, which I sincerely hope it may be to your satisfaction, I cannot think that you would find either profit or comfort from a connexion with such people. I should infer from the conduct of Mr. Williams that he had fixed upon somebody else to fill the situation, and was endeavouring to make Dr. Rees change his determination with respect to you.

I heartily wish that you will soon be able to form some fixed plan, for I have done, and do now in part experience the misery and vexation of an unsettled plan of life,—any thing almost is better.

My own plan of entering the army, as you have heard, failed. As I did not meet with quite so much encouragement as I expected, I thought it a matter of prudence to desist, and not hurry into a different plan of life without at least a tolerable prospect of advancement. What I shall do in future I know not, but for the next two years, or rather more, I have resolved to remain at

Cambridge. At the end of that time, if my studies are prosperous, I may become a fellow of my college, and thus I should secure to myself an agreeable retirement whenever in future life I choose to quit the scenes in which I may be engaged. In the meantime my studies must be adapted to the character of the place: they will be chiefly mathematics, partly classics, and partly moral philosophy, and belles lettres. I confess to you that this plan, though it is plainly a mere temporizing one, has relieved me considerably from the tedium I suffered before it was adopted; and as my mind gets fuller of the subjects I have to pursue I trust that I shall feel still more comfortable. I assure you it would give me the greatest pleasure to learn that you were in the way of getting more settled.

Mr. Morgan gave me hopes that there was a chance of seeing you at Cambridge towards the latter end of the present term. I shall be delighted to see you, and if it is in my power to make your stay more comfortable or pleasant, I hope you will believe that I shall not fail to do my utmost.

I ought to have written sooner, but you know my failing; and in truth as this is full term time my time is constantly occupied from morning to night.

Believe me ever your affectionate friend,

HENRY BICKERSTETH."

CHAPTER XVII.

BECOMES SENIOR WRANGLER AND SENIOR SMITH'S PRIZEMAN. — HIS OPPONENTS. — OTHER EMINENT JUDGES WHO HAVE OBTAINED THE SAME. — RETURNS HOME. — ABANDONS THE MEDICAL PROFESSION. — ENTERS AS A STUDENT OF THE MIDDLE TEMPLE. — BECOMES A PUPIL OF MR. BELL, THE CHANCERY BARRISTER. — SKETCH OF MR. BELL.

On the 20th of January, 1808, Mr. Bickersteth had the "good fortune,"* as he modestly calls it, of becoming Senior Wrangler and Senior Dr. Smith's Mathematical Prizeman, an honour that always carries with it the stamp of high intellect and unremitting industry, but when we consider the mass of talent that was opposed to his, the triumph he obtained is surprising; to gain precedence of an ordinary set of men requires but ordinary ability, but his opponents were Miles Bland

* He wrote thus to his brother John on the subject:—

Jan. 21st, 1808.

"My dearest Brother,

"You will be very glad to hear that I have had the good fortune to become Senior Wrangler, in consequence of which my labours are now almost over, though I shall be detained here for ten days longer. The wine you sent has not been unpacked, so that I do not know whether the bill is in the hamper; if it is not, I must thank you to send it by return of post, otherwise I shall not get the other men to pay their share. I have not time to say more.

Ever yours,

H. B."

of St. John's, the author of "Equation," as second Wrangler, whose fame has travelled beyond his country; the third Wrangler was the present Bishop of London; the fourth was White, also of Caius College; the fifth the talented and patient Sedgwick; to outstrip the endeavours of such men as these, was an Herculean labour, but Mr. Bickersteth achieved it.*

While on the subject of Wranglers, it may be noticed as a curious circumstance that there should have been at the same time, four Judges on the Bench, who have all been Senior Wranglers and Senior Smith's Prizemen:—

Sir Frederick Pollock, Lord Chief Baron of the Exchequer, formerly of Trinity College, in 1806.

Lord Langdale, Master of the Rolls, formerly of Caius College, in 1808.

Sir Edward Hall Alderson, one of the Barons of the Exchequer, also of Caius College, 1809.

Sir William Henry Maule, one of the Justices of the Common Pleas, formerly of Trinity College, in 1810.

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* It may perhaps be thought by some that Mr. Bickersteth had an advantage over his opponents by his age, he being about two years above the average age of under-graduates when they go up for their final or degree examination. There is no doubt that such would have been the case, had he devoted the two years in question to study, but he had entirely neglected the very subject by which he acquired distinction, as appears by his letter of the 19th of October, 1805, written on his return to Cambridge after his long absence; he says,—"The worst is that I am, in mathematical studies, considerably behind those with whom I must contend. I hope, however, that by constant industry I shall be able to overtake them. . . . . . I spend my time entirely in the study of mathematics, and Starkie is kind enough to assist me in getting over some of the difficulties in my way."

But to return to Henry Bickersteth: a short time after* his "good fortune" he was elected a member of Caius College; and his labour there was over, for he had obtained the exalted prize he aimed at. He immediately left Cambridge to revisit his home at Kirkby Lonsdale; to receive in person the affectionate congratulations of his friends, and to repose on his honours in the bosom of his family.

While at Kirkby Lonsdale his thoughts turned to the Bar, as the only path he could conscientiously pursue, for he had irrevocably abandoned the medical profession, and his feelings were not suited to the Church; accordingly on the 8th of April, 1808, he entered himself as a student in the Inner Temple, and very soon afterwards commenced his preparatory studies, which he continued during the remainder of 1808, and the whole of the following year. In the beginning of 1810, he became a pupil of the celebrated Mr. Bell, who, like himself, was a native of Westmoreland.

Among those who have attained the highest eminence at the bar in our late times, no one has been more deservedly appreciated, or will be more vividly remembered by his professional contemporaries than "John Bell, of Lincoln's Inn."

Mr. Bell was a native of Kendal, in Westmoreland, where he was born on the 23rd of October, 1764. He lost both his parents at a very early age, and was consigned to the care of an aunt, by whom he was brought up. He received his early education at Beetham Grammar School, in Westmoreland, where he exhibited the same vigorous intellectual powers which distinguished his subsequent career, united with exuberant spirits; in his exercises in and out of school, he was unmatched, although he was lame, few of his schoolfellows being able to outrun him.

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* He was elected on the 10th of March, 1808, into a Junior Fellowship, founded by Mr. Frankland, and into a Senior Fellowship on what is called the old foundation, on the 15th of January, 1814.

Like most boys he had his fancy for a profession; that of a sailor was his; but his infirmity quite precluded him from following it. The advice of his friends, and his better judgment, ultimately directed him towards the right channel, and he proceeded to Trinity College, Cambridge, where he took his degree in 1786, being the Senior Wrangler, and First Smith's Prizeman of that year.

Soon afterwards he was elected a fellow of his college, and in the first enjoyment of academic ease was tempted, like many others, to enter a profession for which he was hardly fit, and he went so far as to perform the exercises necessary to enable him to proceed to the degree of B. D. at any future time; but fortunately for himself and for society, the activity of his nature, and his personal ambition led him to make a more suitable choice.

Under the advice of his countryman, Mr. Justice Wilson, he proceeded to London, and having been entered at Gray's Inn, he placed himself in Michaelmas Term, 1789, under Mr. Romilly, then an equity draftsman of large practice, and rising rapidly towards his future eminence.

Mr. Bell began to practise for himself under the bar in Michaelmas Term, 1790, and he was called to the bar in Hilary Term, 1792, and from that time till his retirement he practised exclusively in the Court of Chancery.

As a favourite pupil of Mr. Romilly, Mr. Bell very early got into extensive practice as an equity draftsman.

The leading agency offices of the profession in those times were filled by north-country men, from Yorkshire, Lancashire, Cumberland, and Westmoreland; and there was then a sort of clanship, better felt than can be expressed, between natives of those parts. The heart warmed kindly at the sound of the vernacular, and it was anything but a drawback that Mr. Bell spoke it in all its original raciness. To these accidents, aided by great talents, extensive legal erudition, and unwearied labour, Mr. Bell owed his rapid success in his profession, and an easy victory over personal disadvantages which would have scared and blighted the prospects of men of less vigorous minds.

Mr. Bell was not called within the bar until the 25th of March, 1816, owing to the strange reluctance of Lord Chancellor Eldon to recommend any one for that distinction, more especially one whose political opinions were not in accordance with his own. The politics of Mr. Bell were those of the Whigs of the old school, and though he never publicly advocated them in parliament or elsewhere, yet he never disavowed them on any occasion.

The period I would select of Mr. Bell's highest eminence and largest practice, was between the year 1817 and the time of his retirement from the bar. He was then engaged in every case of importance. The struggle after Sir Samuel Romilly's death was to retain Mr. Bell, and his opinion was a necessary preliminary in almost every case to the institution of a suit. With a just appreciation of his position, he was kind and accessible to all;* remarkably zealous in his advocacy, and liberal in point of fees, when circumstances required. Under a rough exterior, and in general with a harsh voice, his eye could melt, and his tones mellow into the utmost tenderness. I doubt whether any man was ever more thoroughly esteemed and beloved by his intimates and friends, or will be more faithfully and kindly remembered by those who have profited by his services as a lawyer, than John Bell.

It is with no unworthy object that I venture to sketch the appearance of Mr. Bell. He was in height about five feet four, of a rather massive figure, and somewhat ungraceful carriage, arising perhaps from his unfortunate lameness and the ample garments he usually wore. His hair, which in youth must have been red, fell carelessly around his broad, well developed forehead, and his eye beamed with good-tempered intelligence.

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* I have heard old solicitors speak of Mr. Bell's great kindness and accessibility at all times, giving every case, whether of the highest importance or not, the most patient attention and investigation: and giving to each a most liberal allowance of his time. He was frequently accustomed to remain at his chambers in Lincoln's-inn till twelve at night, or later, and was always at his post by nine the next morning.

His mouth, with teeth slightly prominent, bespoke firmness and decision of character.

The reader will be able to appreciate the supereminent qualities of mind and character that a man with so few personal advantages must have possessed to have won his way to renown, and in an age, too, when men were far more fastidious in those matters than they are at present.

It was commonly believed that Mr. Bell was to have been elevated to the vice-chancellorship of England when that office became vacant by Sir Anthony Hart's promotion to the chancellorship of Ireland, but Sir Lancelot Shadwell was preferred on account of his politics. Liberal principles had not as yet won the favour of the Government, and Mr. Bell was passed over.

The King was reported to have inquired on that occasion who was best fitted by his legal knowledge to fill the vacant office, and his Majesty was told that "the soundest lawyer practising in any of the Courts was a gentleman who unfortunately could neither *write*, *walk*, nor *speak*." This was said in allusion to Mr. Bell's peculiar handwriting, so well known to the profession: his lameness, and his northern accent.

The following verses were also current at the time:—

Mr. Leach made a speech,
  Pretty, neat, and wrong;
Mr. Hart, for his part,
  Was tedious, dull, and long;
Mr. Parker made that darker
  Which was dark enough without,
Mr. Bell spoke so well,
  That the Chancellor said, "I doubt."

One of the circumstances that redounds greatly to Mr. Bell's honour is the fact that he retired from the open practice of his profession while still in good health and full business, in order to give his juniors a share in the practice which would otherwise have continued to fall into his hands.

Mr. Bell was examined for eight days before the Chancery Commissioners in 1824 and 1825, and gave most valuable evidence on the practice of the Courts of Equity.

After his retirement his attention was directed to the subject of Chancery Reform, and in the year 1830 he published a preliminary pamphlet, entitled "Thoughts on the proposed Alterations in the Court of Chancery," in the concluding paragraph of which he intimates the probability of his publishing his "Ideas on a Review of the Law as administered in the Court of Chancery," but his increasing ill-health and infirmities prevented him from prosecuting his intention.

His health began to fail him soon after the publication of the pamphlet in question, and he died after a short illness at his house in Bedford Square, on the 6th of February, 1836, in the seventy-second year of his age.

Away from the strife of Courts and the "fumum strepitumque Romæ," his ashes repose in the quiet church of Milton, near Canterbury, in the neighbourhood of which he had purchased a large estate, the well-deserved reward of his labours, and there his posterity have taken root, enjoying in dignified, but not useless seclusion, the fruits of their father's well-spent life.

"His saltem meminisse juvabit."

CHAPTER XVIII.

MR. BICKERSTETH AS A LAW STUDENT.—LETTERS.—FINALLY SETTLED IN LONDON.—PLEASANT CHAMBERS.—PATIENT EXPECTATIONS.—MR. BELL.—LETTER TO HIS SISTERS.—HIS BROTHER JOHN.—ANXIETY FOR THE HAPPINESS OF OTHERS.

Mr. Bickersteth soon after his engagement with Mr. Bell took chambers in No. 3, Fig Tree Court, where he remained until September, 1816. His letters to his parents written during his novitiate with Mr. Bell may be read with both interest and profit by the young aspirants to legal fame; they will see vividly depicted the hopes, the expectations, the labours, and the excitements attendant on the early career of a student of high talent and great industry, and very limited means. The doubts and despondencies that must have harassed his own mind, are very slightly alluded to, for his kind and generous heart shrank from inflicting pain on others.

The first letter shows him satisfied with the change that he had made, and "not despairing" of making "some progress."

3, Fig Tree Court, Inner Temple, London, Aug. 6th, 1810.

"My dearest Parents,

"Since I last wrote I have been so fortunate as to meet with very nice chambers in the Temple, where I now am. My windows open to the gardens, and give me a full view of the river, and I don't know whether I receive most benefit from the plenty of fresh air, or from the increased quiet and retirement which they afford me. Certainly my time is twice as much my own, and I shall now be quite content to give up my rooms at Cambridge, and sell my furniture there, which I believe will very nearly, if not quite pay for everything I have been obliged to get here. For that purpose I shall go there for a few days before the present vacation is over, and then I shall only have to go there once, next year, to take my Master's degree. My fellowship will only give me thirty pounds a-year at present, but the chance of advancement goes on increasing, and I hope that before very long, it will enable me to get on without being a burden to you, at least if I meet with any success in my own exertions. I could have wished very much to have had the happiness of seeing you all this summer, but I have so much to do, that I really do not think I ought to be absent so long from London. I have refused three different invitations on the ground that if I went anywhere, it must be to Kirkby, and I believe I ought to decline even that.

Mr. and Miss Braithwaite are so very kind to me that I frequently go there to dine, and spend an evening very pleasantly, and about once in two or three weeks to Roehampton, six miles from town, and stay all night at the Burdetts', with whom I became acquainted at Florence, and walk home again the next morning. The rest of my time is chiefly spent among my books, and though I don't take to law as well as I did to mathematics, I do not despair of making some progress [a word torn out]; the time rolls.

My uncle has been in bad health for a long time, and is always low-spirited to a melancholy degree. I have not seen him for a week past, but at present, I believe, he is something better. The letter you sent was from Dr. Walrond, one of my Edinburgh friends—he is settled in the West Indies, and I *ought* to write to him—a different thing from writing, as experience shows.

With best love to all, I remain, my dearest parents,

Your ever affectionate son,

HENRY BICKERSTETH."

His next letter shows his resolute adherence to study, which leads him to decline even the relaxation of a visit to his dearly loved native home. He now ventures to contemplate some practice at a future day, but cannot wish that any of his friends may be involved in law concerns, which he has already discovered to be "always so expensive, and so seldom satisfactory"—a clear indication of the law reformer of after years.

Temple, Sept. 6th, 1810.

"MY DEAREST PARENTS,

"I am myself quite disappointed at not having the pleasure of seeing you this summer; but as I really do think that I ought to spare the quietest and to me always the most profitable part of the year, I hope that you will excuse me. When I have become more familiar with my profession I shall be more at liberty, and it is a good thing that the Court of Chancery always leaves some vacation. I scarcely know what prospect I have before me. I am afraid no good one, but I am told that in the progress of time practice is almost certain to come in, and amply compensate for the first years of idleness and poverty. I look forward with the better hope, as I think I may reckon upon some friends, whom, however, I cannot wish to be involved in any law concerns, always so expensive and so seldom satisfactory. Mr. Bell is now out of town, and does not mean to resume the part of his practice I before mentioned. Certainly he might be of the greatest use to me if he pleased, but he has many pupils who have prior claims from their long attendance at his office. However, as he always expresses great gratitude to you, he perhaps may do something, especially if you speak or write to him, which I shall be thankful for you to do, but not now. I could receive no benefit till next year, and before that time he might forget it.

. . . . . .

My health has been much improved by my change of situation. The trees wave in front of my window, and I am almost as well off as if I were in the country. In a short time I shall perform my necessary journey to Cambridge; but I shall only be there for a few days.

With best love to my sisters, I remain, my dearest parents, your ever affectionate son,

HENRY BICKERSTETH."

A letter, undated as to month or year, but probably written about this time, to his sisters, is valuable as a proof of the warmth and sincerity of his nature.

"My dearest Sisters,

"You are two charming girls, and I am so much delighted with your kindness that I cannot refrain from writing immediately to thank you for having reminded me of my fault,—a fault which I have committed too often to pretend that I may not fall into it again; but which is certainly connected with no want of affection or duty to my dearest mother, or any of you. I often suffer by it very much myself, and am distressed at not hearing from you so frequently as I might do if I were a better correspondent. I should hope that this consideration would make my dearest mother less uneasy at my reluctance, which is grown habitual, to letter-writing, and I will beg you to show her this letter, both as a proof of your own goodness in writing to me on such an occasion, and as an expression of my own sentiments. I cannot consent to the concealment of your merit from those who are so *much* more entitled to praise you than I am.

And now I must conclude, not from want of inclination to proceed, but from want of time, as I did not receive your letter till it was nearly time for me to go to dinner in the Temple, where I am now keeping my term.

Believe me your ever affectionate brother,

H. Bickersteth.

Thursday."

The warm interest that he took in the efforts of his brothers to push forward in life is pleasingly shown in this letter; which is beside useful as a proof of the hopeful confidence by which his own toils were lightened.

Temple, Jan. 23rd, 1811.

"MY DEAREST PARENTS,

"I am quite delighted at Robert's success, which is so honourable to him, and at the same time so likely to establish his comfort and independence in the world. It clearly shows the estimation in which he is already held, and I doubt not but it is the forerunner of the celebrity he will hereafter attain. Mr. Dawson, I suppose, will partake of his increased profits for some time to come; but the merit will be his so obviously, that he will, of course, preserve the whole when Mr. Dawson's interest is at an end, and his prospects can hardly be said to be exposed to any risk—a consideration most gratifying to all his friends, and creditable to himself,—the youngest brother to have outstripped us all!

John will have informed you of his proceedings at Cambridge, with which I hope he is satisfied, as I think we have all reason to be. His situation, though not high, is sufficiently so for his purpose, which was not to advance in college; and if he had plodded more in mathematics he must have done it at the expense of something else more useful to him. We have hoped to see him in town, but he seems disposed to stay at Cambridge till it is fixed what he is to do about his living.

I don't know whether you have had any communication with Mr. Parker on the subject; but it appears to me, that he ought not to hesitate a moment in resigning without any sort of reservation, and I think John might without any impropriety call upon him to do so. I was exceedingly obliged to you for desiring Edward to get me the money, of which, however, I was not in such instant want; but as the dividends were received, I hope it made no difference. I must also thank my mother for the kind presents she has made me, and which I have enjoyed very much: the beef is a standing dish, and will last me a good while. I continue toiling at law, but with much more satisfaction than I have heretofore done; and if I can get over the few first years, I shall have no apprehensions of the future. Whatever difficulties, however, I may have at first, I ought perhaps to be encouraged by the reflection that almost all those who are now most eminent were at first in great straits for want of business: they had, in consequence, to study for ten or twelve years, and when business did come they were equal to it, and then rose rapidly and kept their stations, besides making great fortunes.

I rarely miss a day going to Mr. Bell, who is very communicative when I catch him alone and disengaged, which is not often, for he has much more business than he can possibly get through, though he works from morning till night, and thinks of nothing in the world besides. His is certainly no enviable life, and I cannot but wonder that a man who is now independent enough to command leisure, should make himself so complete a slave to his profession. I suppose, however, that if I were in his situation, I should think it worth while to be at the trouble of reaping the rich fruit of so many years' hard labour, and the day is too far distant for me to think of what I shall do when I have money enough of my own to make me independent. In the meantime, everybody says, 'You are certain of success in the end, only persevere;' and though I don't well understand how this is to happen, I try to believe it as much as I can, and I shall not fail to do everything in my power. With best love to my sisters, and thanks to Mary Anna for her note, I remain my dearest parents,

Your ever affectionate son,

HENRY BICKERSTETH."

The following letter exhibits the writer in a most amiable light. We have seen his dislike to the practice of medicine, growing from year to year, till at last it has induced him to choose instead, one of the most toilsome of professions: to which last he has so conscientiously devoted himself, as even to deny himself the pleasure of a meeting with his family ; but when he thinks that he can serve others, and afford a pleasure to his sisters, he cheerfully offers to abandon his studies for awhile.

Temple, May 4th, 1811.

"MY DEAREST PARENTS,

"I have been extremely glad that you have fixed a time for coming to town, and I hope your journey will be a great pleasure to you, as I am sure it will be to all your friends here. Miss Braithwaite, however, is disappointed at my sisters being left behind ; and if Mr. Asheton be the only reason, I may, perhaps, be useful to you all on this occasion ; for in ten days I shall have kept all my terms at the Temple, and could, without inconvenience, leave town and be at Kirkby nearly a week before your departure, and I could stay till nearly the end of June, shortly after which I must be at Cambridge to take my degree of Master of Arts. Should I, in this way, release my sisters from the only tie which deprives them of the pleasure of accompanying you ? If I should, I think it would be a good plan; for, though I should have to regret my absence while you are here, yet I don't know whether a week of your society at Kirkby, would not be as good as a longer time in London ; and I should have the pleasure of increasing your gratification, and Miss Braithwaite's and my sisters'.

Miss B—— sees a number of advantages besides having my sisters. You might leave the gig behind —come to town quicker; and, without being longer absent from home, have a longer time to stay, &c. Pray tell me what you think of it, and be assured there is no difficulty or inconvenience on my part. I can take down a parcel of books and employ myself very well.

I shall be anxious for your answer when you have had time to consider of it. You will be glad to hear that I have advanced one step in my college, and that there is good reason to believe that the marriage of a senior fellow will place me among the seniors, with an increase of stipend;—the fruit is of slow growth, but time will bring it to maturity. I have little more to add—I study law as much as I can, which is not enough. As I can be of no use to Mr. Bell, I have feared to be troublesome, and have not gone to his chambers so often of late; but whenever I see him he shows me the greatest civility. With best love to my sisters, I remain, my dearest parents, your ever affectionate son,

HENRY BICKERSTETH."

CHAPTER XIX.

ACQUAINTANCE WITH MR. JONES BURDETT. — SKETCH OF SIR FRANCIS BURDETT.

During Mr. Bickersteth's residence abroad he became acquainted with Mr. Jones Burdett, who, on his return to England, introduced him to his brother, Sir Francis Burdett, and their acquaintance soon ripened into friendship.

Few men during the first half of the nineteenth century enjoyed a greater degree of popularity than Sir Francis Burdett. He was born on the 25th of January, 1770, and was the eldest son of Francis, who died in the lifetime of his father, Sir Robert Burdett, the fourth baronet.

He was educated at Westminster School, and thence went to the university of Oxford, where he remained only two years; having left without taking even the lowest degree usually conferred on the "Gentleman Commoner."

As was usual with young men of fortune at that period, he made the grand tour, as it was called, in 1790, and had thus an opportunity of witnessing, if not the rise, at least a considerable portion of the early progress of the French Revolution. This made an impression on his mind, which he retained to the very last, and hence, though throughout the greater portion of his political career he advocated Parliamentary Reform, when it was proposed to carry it beyond what he considered the legitimate bound of prudence, he opposed it, calling it "not Reform, but Revolution."

He returned to England in 1793, and, on the 5th of August in that year, married the youngest daughter of Mr. Coutts, the wealthy banker of the Strand.

Mr. Burdett made his first appearance in Parliament in 1796, as member for Boroughbridge, then under the influence of the Duke of Newcastle; his colleague being Mr. Scott, afterwards Lord Eldon.

About this time Mr. Burdett, for he did not succeed to the title until the 22nd of November, 1797, became acquainted with the Rev. Horne Tooke, alike celebrated for his "Diversions of Purley," as for his unsuccessful attempt to sit in the House of Commons; which attempt produced the public act, declaring that clerks in holy orders were ineligible to sit in Parliament. From Mr. Tooke Sir Francis Burdett derived his notions of the necessity of Parliamentary Reform. Although he and Mr. Tooke had been returned as nominees of peers of the realm, yet they considered themselves fully justified in entering the House, as their express object was to obtain a reformation of the practice of nomination, which could only be done by a resolution, or act of Parliament, and they hoped by constantly mooting the question there, that the members would feel the necessity of reforming themselves.

At that time, however, the idea of inducing the House of Commons to reform itself was of so theoretical a character, and so distant in its prospect of realization, that none but the most sanguine would think of entertaining such a project. But Sir Francis Burdett ventured to persuade himself that he might live to participate in the fame of having contributed to the consummation of so great an event. This led him to become a frequent and energetic speaker in the House of Commons. He did not, however, confine his eloquence, or his attempts to effect his purpose, to the lower House of Parliament, but he endeavoured at all public meetings to get up a demonstration from the people, of their desire to have Parliamentary Reform, and whether on the hustings at Covent Garden, or at the Crown and Anchor in the Strand, there Sir Francis Burdett was to be found as the chief and most favoured orator. "It was at these public meetings he extended his fame and established his popularity."

His gentlemanlike and prepossessing appearance won favour for him immediately he presented himself, and when he spoke, the energy of his action, the passionate fervour of his expression, and the seeming truthfulness of his facts, gave him a great command over the attention and feelings of his audience. His felicity of illustration, by frequent and apt quotations from the most favourite poets and writers of England—for he had extensive reading and a refined taste—gave him a remarkable readiness in reply—an indispensable requisite in a good debater or public orator; and yet his faults of style were many, though they were hardly perceptible during the heat of debate, or amidst the excitement of a public meeting.

There is no doubt that Sir Francis Burdett, when in the height of his career, was one of the most effective public speakers of his day, and one of the most popular men in the country.

On the 13th of February, 1800, he opposed the continuation of the Habeas Corpus Suspension Bill, as a measure fraught with danger to the liberties of the people, and subversive of their constitutional rights; and on the 9th of April, in the following year, he entered at considerable length into the measure called "the Sedition Bill," and proposed conciliatory measures to appease the discontents in Ireland.

In 1802, he offered himself as a candidate for the county of Middlesex, in opposition to the former member, Mr. Mainwaring. The contest, at the end of fifteen days' duration, terminated by placing Mr. Byng at the head of the poll; Sir Francis Burdett second; and Mr. Mainwaring third. The election, however, was subsequently annulled, on account of some irregularity on the part of the sheriffs; and, on a fresh election taking place, Sir Francis was defeated, by Mr. Mainwaring polling five more votes than himself.

At the next general election, in 1806, Sir Francis Burdett again became a candidate for Middlesex, against Mr. Mellish and Mr. Byng, and was once more defeated.

His next attempt was to represent Westminster, and there he was returned at the head of the poll for that city.

His opposition to the Government of the day was as formidable as it was unceasing; and his political enemies took advantage of the first opportunity that his want of discretion afforded them, to commit him as a prisoner to the Tower, for a breach of the privileges of the House of Commons. I have thought it necessary to introduce some account of this affair into these pages, as it was closely connected with an episode in the life of Mr. Bickersteth.

On the 23rd of February, 1813, Sir Francis Burdett made a proposition for a new Regency Bill, which, though unsuccessful, he recommended with considerable ability.

In February, 1818, he requested Mr. Bentham to draw up a Bill for Parliamentary Reform, which, however, the latter declined to do, and Mr. Bickersteth undertook the task for his friend, and, at the same time, drew up a proposition of union between Mr. Bentham and Sir Francis for the purpose of effecting Parliamentary Reform. This paper will be found in its proper place.

In the year 1819, on the occasion of the lives that were lost during the Manchester Riots, Sir Francis Burdett addressed a letter to his constituents, for which he was prosecuted by the Attorney-General, found guilty of a libel, and sentenced to three months' imprisonment in the King's Bench, and to pay a fine of one thousand pounds. This trial forms another episode in Mr. Bickersteth's political life, and is more fully noticed hereafter.

In the election of 1837, Sir Francis Burdett lost his seat as a representative of the city of Westminster, on account of his unwillingness to assist the Whig ministry of that day in carrying out their Reform Act. On this occasion, Sir Francis Burdett has been charged with the grossest inconsistency, in deserting his party when they were carrying out measures of Parliamentary Reform, which he had all his life advocated; but he justified himself by saying, that he supported Reform up to a certain point, and there he took his stand—to proceed beyond that, in his opinion, was not Reform, but Revolution;* and he had witnessed, in the neighbouring nation, too many heart-rending miseries and atrocities to wish to see his own country in such an unhappy predicament.

On retiring from the representation of Westminster he became member for North Wiltshire, and allied himself to the Conservative party.

He died on the 23rd of January, 1844,† within two days of completing his 74th year.

As a friend, filled with benevolent impulses, Sir Francis Burdett stands pre-eminent. His letters to Mr. Bickersteth (some few of which are given in this volume), speak as highly for his head as for his heart He might have been selected, not only for his personal appearance, but also for his mental culture, winning address, and dignified manners, as a perfect specimen of an English gentleman.

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* The Radical opinions of Sir Francis had been on the change for a long time; a letter from him to Mr. Bickersteth, dated 10th January, 1821, shews this. He says: "I begin to grow very aristocratic; there is no dealing in important matters but with gentlemen—men of education. I don't mean by that name reading and writing, or knowledge of the learned languages, but men of generous mould."

† Lord Langdale, I know, thought that Sir Francis killed himself by following "the cold water cure," against the advice of all his friends.

CHAPTER XX.

ARREST AND IMPRISONMENT OF SIR FRANCIS BURDETT.—RIOTS.—MR. BICKERSTETH VISITS HIM IN THE TOWER.—ACCOMPANIES HIM WHEN LEAVING THAT FORTRESS.

Soon after Mr. Bickersteth had become the pupil of Mr. Bell London was thrown into an unusual state of political excitement by the arrest and committal to the Tower of Sir Francis Burdett, of which I have just spoken.

The standing order of the House of Commons for the exclusion of strangers from the gallery of the House, was enforced by Mr. Yorke, during the discussion of the Scheldt affair, and a motion on the subject was made by Mr. Sheridan, which was negatived by a large majority. The vote for enforcing the standing order was then made a subject of discussion in a debating club called the British Forum; the president of which, Mr. John Gale Jones, published a printed libel upon the House of Commons, and was, consequently, sent to Newgate on the 21st of February, 1810, for a gross breach of the privileges of that House. The subject of Jones's imprisonment was brought forward by Sir Francis Burdett, on the 21st of March, and the motion which he made on the occasion was negatived by a vast majority; in consequence of which there appeared in

"Cobbett's Weekly Political Register," of the 24th of March, a letter inscribed, "Sir Francis Burdett to his Constituents," denying the power of the House of Commons to imprison the people of England, accompanied by arguments by which he had endeavoured to convince the gentlemen of the House of Commons that their acts in the case of Mr. Jones were illegal. This publication was brought under the notice of the House of Commons by Mr. Lethbridge, at whose desire the question was put by the Speaker to Sir Francis Burdett, whether he acknowledged himself the author. Sir Francis having answered in the affirmative, Mr. Lethbridge gave notice of a motion on the subject; and the next day he rose, as he declared, with a degree of pain and embarrassment, such as he had never felt before, to make a complaint against one of the United Commons of Great Britain and Ireland, who, in his opinion, had violated the privileges of that House. He did not mean to enter upon the subject itself, but only to lay on the table the document which the honourable baronet, who was the object of the motion he had to make, had admitted to have been published by his authority. For the purpose of saving the time of the House, he had marked certain passages in that document, which, in his opinion, more particularly justified him in the charge which he had preferred against the honourable baronet. Mr. Lethbridge then gave in at the table, "Cobbett's Weekly Register," of Saturday, the 24th of March, 1810, and Sir Francis Burdett's papers were read by the clerk.

Sir Francis Burdett said, that in writing the address to his constituents, and the argument that accompanied it, he had no idea that he was infringing any privilege of that House. Was it to be supposed that the simple act of arguing on the powers of the Commons was a crime? Would not the House endure even an abstract doubt of their powers? He was willing to abide by the fact and argument of what he had written. He would stand the issue. But if it was the pleasure of the House that he should now withdraw, he was ready to withdraw. The Speaker stated that this was, in similar cases, the uniform usage. Sir Francis Burdett accordingly withdrew, after which Mr. Lethbridge proposed the two following resolutions for the adoption of the House.

1st. "Resolved that the letter signed Sir Francis Burdett, and the further argument, which was published in the paper called "Cobbett's Weekly Register," on the 24th of this instant, is a libellous and scandalous paper, reflecting upon the just rights and privileges of this House.

2nd. "That Sir Francis Burdett, who suffered the above articles to be published with his name, and by his authority, has been guilty of a violation of the privileges of this House."

The motion was seconded by Mr. Blachford, who, after enumerating various precedents, asked how the House could hesitate to adopt the resolutions when they recollected the spirit and the advocates of Jacobinism that were in the country? Their numbers, whether in leaders or disciples, were but few, but their object was to dispute, and to bring into discredit, the authority of that House. If that spirit should not be checked in time, it would not only take away the dignity, the character, and authority of that House, but destroy the very existence of it as a branch of the Legislature.

The discussion of the resolutions was adjourned till next day, March the 28th, when Mr. Sheridan expressed his conviction that it must be equally the wish of both sides of the House that the discussion relative to the Scheldt expedition should not be interrupted. But besides that very weighty consideration, if ever there was a case in which precipitancy and rashness were to be avoided, it was the present. It was not a plain and simple question on which the House could decide immediately. There were two distinct questions involved in it. 1st. As to the right of the House of Commons to imprison. 2nd. As to the character of the terms with which the argument had been accompanied; terms, with respect to the precise import of which there might be a difference of opinion. He contended that the proper and constitutional course was to refer the matter to a committee of privileges. Mr. Sheridan concluded with moving, "that the committee of privilege should resume its sitting on that day se'nnight, and that the paper complained of should be referred to it."

Some debate about the necessity of moving this, in point of form, as the amendment on the original question, was superseded by a motion made by Mr. Brand, as an amendment to the original question, that the debate be adjourned till to-morrow se'nnight.

Sir Samuel Romilly said, that any man had a right to discuss every great constitutional question, whether of original power, or constituted authority. He might show his folly in arguing a point in which no other man could agree with him, but still he had a right to do so. There might be inflammatory language in the paper in question, but at the same time there was great ability in the reasoning, and all the great authorities and precedents on the subject were given, and argued on with much learning. He agreed that there were offensive paragraphs in the paper, but did they amount to a libel? He dared to say that gentlemen much better acquainted with the nature of the libel than he could pretend to be, would be prepared to answer the question, and he should be obliged to some of them to favour the House with an opinion on this subject. He hoped the House would take some time to deliberate before they came to a decision on a question of such importance.

The Chancellor of the Exchequer (Right Hon. Spencer Perceval) could not conceive how any one possessed of the sense and information of his honourable and learned friend could doubt that the paper in question was distinctly a libel. This opinion he supported by an examination of the paper. The main business of the argument, he observed, was to prove that the House had not a right to commit a stranger for a breach of privilege, for the right of committing a member was admitted. Now, that was a case of doubt on which the honourable baronet had a right to argue as fully as he chose in the House; but it behoved him to take care in what manner he wrote or spoke on the subject out of the House. It did not follow that that which was lawful to say in the House before a decision, was lawful to say out of the House after a decision; and still less lawful was it to recommend resistance to that decision. Where would be the impartiality of the House, if, after committing Mr. Jones for a breach of privilege, they should treat a member who, with a better knowledge of those privileges, had violated them, with more indulgence? If they hesitated to pronounce that against the honourable baronet which they had not hesitated to pronounce against a poor and obscure offender, they would sink low, indeed, in the public estimation. Grossly libellous as the proceeding of John Gale Jones had been, it was trifling and contemptible when compared with that of the honourable baronet. As to the right of the House of Commons to commit strangers to custody, it was confirmed by precedents, a number of which he stated. It appeared to him that the House could not hesitate in concurring in the motion for adopting the resolutions proposed by his honourable friend, and he was persuaded that they would not hesitate in doing so.

The Attorney-General (Sir Vicary Gibbs) contended, that if an adjournment took place, it might, perhaps, be attributed to the influence of motives, to the imputation of which the House ought never to expose themselves. It appeared to him that it was only necessary to read the paper in order to be convinced that it was a libel, and a gross violation of the privileges of the House.

The Master of the Rolls (Sir William Grant) observed, that the present case had been forced upon the House. He was sorry for it, because he never knew any good to arise out of such contests, that could counterbalance the disadvantages. But the House was brought to the alternative, that either it must give up its privileges, and, perhaps, incur the imputation of timidity, or assert those privileges with manliness. He would have been happy if means could have been devised for getting out of such a contest. But that was now impracticable; and, in order to bring to the decision as much weight and authority as possible, he would support the proposition for the delay required by those to whom so much weight and authority belonged.

The Chancellor of the Exchequer confessed that, after what he had heard, particularly from his learned friend who had just sat down, it would appear obstinate and pertinacious in him to press an opinion, to which, however, he still adhered, and refuse to accede to the repeated calls which were made for a farther adjournment of the question.

Upon the question being put, the debate was adjourned till the 5th of April; on which day the debate was resumed, and was continued till half-past seven on the following Friday morning; and in its course, speeches were made by not less than thirty members.

The resolutions moved by Mr. Lethbridge, were agreed to without a division. A motion was then made by Sir Robert Salisbury for the commitment of Sir Francis Burdett to the Tower.

An amendment was proposed that Sir Francis Burdett be reprimanded in his place; upon which the House divided: Ayes 152—Noes 190.

In consequence of this vote for the commitment of Sir Francis, the Speaker, on the same morning, at half-past eight o'clock, signed the warrants for his commitment, and immediately delivered them to the Sergeant-at-Arms (Mr. Colman), to be carried into effect, if possible by ten o'clock that morning. From the politeness of the Sergeant, in announcing the commission with which he was charged, it was not till about five o'clock in the afternoon that he went to Sir Francis at his house, and saw Sir Francis, who told him that he would be ready to receive him at eleven o'clock next morning, on which the Sergeant retired, conceiving that it was Sir Francis's intention to go with him peaceably to the Tower, at the time stated. About eight o'clock, the Sergeant came again, to Sir Francis Burdett's. He was now accompanied by one of the messengers, and told Sir Francis that he had received a severe reprimand from the Speaker for not having executed the warrant, which he read. Sir Francis then said, that he disputed the legality of the warrant, and that he was resolved not to go, if not constrained by actual force, which he was determined to resist as far as in his power. He stated also that he had written to the Speaker of the House of Commons on this subject.

Mr. Colman who had called several times in the course of Saturday without being admitted, went again to Sir Francis's house, on Sunday morning, at seven o'clock, attended by a messenger and some police officers, and knocked at the door several times, but it was not opened. The Sergeant and messenger by turns waited in the neighbourhood of Sir Francis's house for the rest of the day and the night, thinking that he might come out again, as he had once done on Saturday, and that they might have an opportunity of apprehending him. It had become evident, from the number of populace assembled in Piccadilly, that the warrant could not be executed without force, and the Speaker having great doubts as to the power he was possessed of by his warrant, sent his warrant to the Attorney-General for his opinion, and on that opinion he acted. Late on Sunday evening, the Sergeant went to the Secretary of State's office, to request civil and military assistance for carrying his purpose into effect, and on Monday, April the 9th, at ten o'clock in the forenoon, he went to Sir Francis's house, attended with twenty or thirty police officers, and a detachment of cavalry and infantry, to escort the carriage which he had in waiting, to convey Sir Francis to the Tower. The Sergeant, attended by some police officers, forced an entrance into Sir Francis Burdett's house, down by the area, and through the kitchen door. Having left a party of Foot Guards in the hall, he went up with the police officers, into a room where Sir Francis was with his family, and Mr. Roger O'Connor, brother to the noted Arthur O'Connor; Sir Francis was employed at that moment making his son read and translate Magna Charta.

Mr. Colman told Sir Francis, that, however painful it was to him to proceed in such a way, he had such a force that it would be quite in vain to make resistance. that he was his prisoner, and must immediately come into the carriage that was prepared for him. Sir Francis repeated the objections he had before made against the warrant, and declared that he would not yield to anything less than actual force. As the constables were advancing, by order of the Sergeant, to seize him, his brother and Mr. O'Connor laid hold, each of them on one of his arms, and conducted him to the carriage, into which they followed him; but Mr. O'Connor was obliged to come out again. A messenger was left with Sir Francis in the carriage. The Sergeant attended on horseback, and delivered him to the Deputy Lieutenant of the Tower. The escort proceeded rapidly to the Tower, by the northern skirts of the town, without encountering any material opposition.

The mob that had assembled near Sir Francis's house in Piccadilly, and in the adjoining streets, on Friday evening, obliged every one that passed to take off his hat and cry, "Burdett for ever!" They broke the windows of a number of houses: among which were those of Lord Chatham, the Duke of Montrose, Mr. Yorke, Lord Westmoreland, Mr. Wellesley Pole, Lord Dartmouth, Sir John Anstruther, and Mr. Perceval. On Saturday, between twelve and one o'clock, the populace assembled again in such great numbers, and grew so tumultuous, that a company of the Foot, and another of the Horse Guards was sent to disperse them, and the Riot Act was read by Mr. Read, a police magistrate. Some companies of volunteers also presented themselves, in readiness to support the civil authority. Towards the close of the day, the mob, which had dispersed, began to rally. The detachment of troops was reinforced, and the cavalry had orders not to permit more than two persons to converse together. There was firing, with blank cartridge, for clearing Piccadilly, but some pistols, charged with ball, were fired on both sides, by which divers persons, both of the soldiery and populace, were wounded, though only slightly. The same scene was continued throughout Sunday, but on the return of the escort from the Tower, on the next day, the contest was more sanguinary.

At the time when the Sergeant-at-Arms carried off Sir Francis Burdett from his house, the number of people assembled in Piccadilly was but small, but the report of his seizure spread rapidly. The streets which it was supposed he would pass were crowded with people, who, being informed that he had by a different route, proceeded, their numbers still increasing as they advanced, to Tower Hill. The moment Sir Francis entered the Tower, some pieces of cannon were fired, according to the custom in similar cases. A report was spread that the cannon of the Tower were fired on the people, which was credited by the multitude. Scarcely had the military, on their return from the Tower, entered Eastcheap, when they were attacked with showers of stones, brickbats, and other missiles. The troops, for some time, bore the assault with patience; but finding that the mob grew more and more outrageous and daring, they fired several shots among them, by which two or three lives were lost, and not a few wounded. This kind of warfare was continued till the Guards crossed the Thames by London Bridge, to return through St. George's Fields, and by Westminster Bridge, to their quarters.

During his confinement in the Tower, Mr. Bickersteth was the first of Sir Francis Burdett's friends who visited him there, and on the occasion of his leaving it, at the prorogation of Parliament (22d June) lent a helping hand to him in the following manner.

Some days before the prorogation of Parliament, when prisoners committed by either House are always liberated, a number of Sir Francis Burdett's most zealous partisans, formed themselves into what they called a committee of his friends, and announced in the newspapers the ceremonial to be observed on his going out of prison, for the purpose of conducting him to his house in Piccadilly. The quarters in which different parties were to assemble were pointed out; and the order in which they were to march described with great exactness. Banners were prepared, and it was even intended by some to wear Sir Francis Burdett's livery, by way of uniform. But it was judged by the more moderate, that this would carry too much the appearance of a symptom and symbol of conspiracy. Soon after break of day the populace was in motion, and the sound of music was heard in every street. At nine o'clock in the morning a multitude, consisting chiefly of, or at least headed by, persons from the parish of St. Ann, Soho, proceeded to the Tower, as a guard of honour: and by ten o'clock all the places of rendezvous pointed out by the committee were filled with the partisans of Sir Francis. Towards the afternoon the whole line of streets from the Tower to Stratton Street, Piccadilly, was thickly planted with people. Every window and elevated station was occupied; in Piccadilly, scaffoldings were erected, and the sides of all the streets were lined with waggons, teams, and carts, filled with men, women, and children, every eye eagerly turned to the quarter whence the spectacle, so much desired was expected to come.

In the meantime, measures of prevention had been taken by the civil magistrates, by a proper disposition of military assembled in and about the metropolis.

The different bodies of men that were to form the procession wore blue cockades. This badge was also everywhere to be seen among the multitude that lined the streets. Most of the ladies wore the garter blue ribbon. From many houses were suspended wands with ribbons of the same colour. Numerous bodies of the Westminster electors began to repair to the Tower, about one o'clock, preceded by bands of music, and with blue silk colours flying, on which were inscribed various devices: such as "The Constitution," "Trial by Jury," "Magna Charta," "Burdett for ever." The north and west side of Tower Hill were immensely crowded with people of every description, which prevented the procession from being arranged in the regular order that was intended: for never had greater pains been taken to order disorder and confusion.

About three hundred men on horseback arrived at Tower Hill, about two o'clock. Among whom was Major Cartwright, and Colonel Hanger, mounted on a white horse, with a large oak stick in his hand. They all wore blue cockades. The ramparts of the Tower were filled by soldiers in their undress, and without arms. They were frequently cheered by the people on Tower Hill, but to none of these salutations did the soldiers make any return, whether in this they were guided by their own good sense, or by orders from their officers.

After a long and anxious expectation of the appearance of Sir Francis Burdett, a soldier in the Tower called out several times to the populace, through a speaking trumpet, "He is gone by water;" but no one seemed to credit what he said. A little afterwards one of the constables, posted on Tower Hill, assured the people that Sir Francis Burdett had really gone by water.

It is extremely difficult to banish ardent hope and expectation. The constable was not credited for his assertion any more than the soldier. At half-past four o'clock, however, three placards were suspended over the gates of the Tower, with the following inscription: "Sir Francis Burdett left the Tower by water at half-past three o'clock."

This he was enabled to do, though it was within a few minutes only after the prorogation of Parliament was pronounced, by means of a sort of telegraphic communication established between the Parliament House and the Tower. The news of Sir Francis having gone from the Tower by water, excited not only surprise, but indignation in many. For some time considerable confusion prevailed, and discontent appeared in every countenance. After a short consultation, the Westminster Committee resolved to conduct the procession to Sir Francis Burdett's house in Piccadilly; but it was near half-an-hour before they could communicate their intentions to the whole of those who were to form it. The order of procession being fixed, Colonel Hanger, followed by Major Cartwright, led the van. Immediately at their heels were several gentlemen from the country on horseback, four abreast, and, after these, a long column of the electors of Westminster on foot, six abreast, and an immense number of carriages, in some of which were several members of the Common Council, and many Liverymen of London. Next came Sir F. Burdett's phaeton, the horses of which were led by several attendants on each side. A great part of those, who had originally intended to take part in the procession, left Tower Hill and the Minories, when it was ascertained that Sir Francis had gone by water, but many others joined it in its progress.

The procession was preceded by horsemen with trumpets, and a long line of people on foot, with blue sashes and ribbons, decorated with appropriate mottoes and emblems. A close coach appeared in the cavalcade, drawn by the populace, preceded and followed by an immense line of hats with blue ribbons, as deep as the passage through the street would permit, and surmounted by a number of persons wearing the same livery. This was a hackney-coach, with Mr. Jones, the primary cause of all this tumult. When he arrived at Piccadilly, he mounted the roof, and harangued the populace; but such were the confusion and noise, that not a word was heard of what he said.

The grand procession, as it was called, reached Piccadilly about eight o'clock. By the efforts of the sheriffs and constable, Piccadilly was nearly cleared by ten o'clock ; but parties went off in various directions exclaiming, " Light up!" The summons was instantly obeyed; and the town in a short time displayed a general illumination.

The mode in which Sir Francis Burdett left the Tower, in company with Mr. Bickersteth, is not generally known. It was thus:—Earl Moira, then Constable of the Tower, being informed of Sir Francis's wish to leave the Tower privately, made arrangements for the purpose, and Mr. Bickersteth undertook to be ready with a boat to receive him at the water-gate; he had to row up and down some time before Sir Francis appeared, and the waterman, not knowing for what purpose he had been hired, remarked that it would be droll if *they* had to carry off Sir Francis after all, as he did not seem inclined to let the mob take him. Some little risk of the necessary secrecy was run by the extreme politeness of the Lieutenant of the Tower, Major Smith, who insisted on attending Sir Francis to the water-gate. However, he gained the boat undisturbed, and was rowed over to the Surrey side of the river, where he found his brother and his horses awaiting him, and the whole party went off immediately to the baronet's house at Wimbledon.

CHAPTER XXI.

CALLED TO THE BAR.— BECOMES ACQUAINTED WITH MR. BENTHAM. — LAW REFORMERS UNPOPULAR. — HIS PECUNIARY DIFFICULTIES. — LETTERS.— SELLS HIS FAVOURITE BOOKS. — MR. BICKERSTETH FIRST EMPLOYED BY MR. BRYAN HOLME. — GENEROUS CONDUCT OF SIR FRANCIS BURDETT.

MR. BICKERSTETH was called to the bar on the 22nd November 1811. His feelings and his prospects after that eventful epoch in his life are admirably shown in the following letters; the perusal of which may give fresh hope to the desponding student, who has nothing but his own individual exertions to depend upon for his success in one of the most laborious and trying of professions.

For some time after Mr. Bickersteth was called to the bar he had no professional connexion whatever, and the opinion he was known to entertain of the necessity of simplifying the practice of the law, and doing away with its abuses, was not calculated to procure friends among those whose livelihood was in some measure derived from its imperfections and entanglements: though he never unnecessarily displayed his opinions on the subject, yet he was too honest to shrink from avowing them when proper occasion occurred.

We have seen already that his pecuniary affairs were anything but easy, and for a long time his situation was extremely uncomfortable from want of business; a little employment, however, came at last from Mr. Bryan Holme, who was the first solicitor who discovered his merits, and had confidence in his sagacity: after the first small beginning his business pretty regularly, though very slowly, advanced.

At the period of which I speak political reformers were in no credit, and legal reform was scarcely spoken of but to be condemned. The science of legislation was nearly in the same position as experimental inquiry in the time of Bacon; and though Bentham was in the zenith of his mental power, and was labouring with his pen and tongue to achieve a great social reform, yet his tenets and his doctrines were misunderstood and unvalued by the million for whose good he was labouring. There were, however, a few bright spirits who drank at the fountain-head the stream of intellectual water that was continually flowing. Mr. Bickersteth was among them; he had read with admiration the productions of the founder of the utilitarian philosophy, and was delighted with the creative intellect of that wonderful man. He first learned from the pages of Bentham the defects in the administration of the laws, as well as the defects of the laws themselves, and laboured till his death for their amendment. He became acquainted with the great ratiocinative philosopher, and was taught by him his test of utility, and soon became an earnest promoter of both legal and political reform, the consequence of which was, that he was considered by those who did not know him intimately, as a person of strange and rather wild notions, who was not likely to succeed in his profession.

His letters to his parents at this painful period of his life are especially worthy of notice. We have seen that while known as "the desperately hard student" at Cambridge, he allowed himself the occasional relaxation of the perusal of Shakspeare and the Italian poets; we now see him, with a resolute self-sacrifice that cannot be too highly spoken of, giving up even this, and selling the treasured volumes to purchase year books and term reports. And though, to spare the feelings of his friends, he speaks of them as "books for which he has not immediate use," it must have been most painful to him to part with them, for I am informed that many years afterwards he repurchased as many of them as he could procure.

Temple, Dec. 17th, 1811.

"My dearest Parents,

"I wished, before I wrote, to have it in my power to tell you that I had made some progress towards getting business, but as I find no advancement towards certainty, I cannot delay any longer. Edward spoke to Mr. Holmes, who said as much as I think could possibly be expected; and I believe he was sincere, because he afterwards told Mr. Barlow that he meant to put some business in my hands when he could, and he wished to see and know me. Mr. Barlow asked me to meet him at dinner yesterday, and I went, but he was, unluckily, prevented. I have, however, little doubt of receiving something from him, as well as others, in time; and for my own part I should not be uneasy, if it was not for your anxiety, and the present heavy expence of living and buying very dear books, so many of which are indispensable. You are aware that none but easy matters can, or ought to be intrusted to a beginner at the bar, as the least mistake may materially injure the whole progress of the cause; and consequently, while men of long experience are always to be had, attorneys cannot, in fairness to their clients, procure any but the best advice and assistance. Add to this, that they are almost always in the habit of employing particular men, with whom they form a sort of connexion, from which they are reluctant to depart, and it will not seem wonderful that business does not come at once. I have taken a great deal of pains to inquire how men of great practice at first got on, and I find that it has almost invariably been by very slow degrees; at first being only employed when easy business happened to occur, and when men more advanced were either out of the way, or so much otherwise employed, that they could not use the dispatch which in particular cases happened to be necessary. On thus finding that many men who are now making great fortunes were sometimes for two or three years without getting any business, and sometimes for eight or ten years hardly able to maintain themselves, I see no reason for being anxious but the present difficulties to which I have alluded. On every other hand I am more comfortable than I have been—being very much more reconciled to my business, to which I now devote my whole attention, and for which I have relinquished every other pursuit. My whole time will be passed either in Chambers or in Court; and if being always in the way, and always attentive to my business, will give success, I shall be successful, as soon as favourable circumstances concur to give me employment. When that may be, I am afraid does not depend on myself, but on the friendly disposition of others. I should be very glad indeed of some employment, but I confess that if a great deal were to come to me all at once, I should be afraid to undertake it; and if it were not on account of having money in hand, I would rather not have it, because I am convinced that by beginning slowly, I shall have a better chance of doing more in the end, after the example of many men who are now very eminent in the profession.

I have said all this in the hope of persuading you that in time I shall succeed, and of preventing your being uneasy at the time which is requisite. But in the meantime, I cannot express how uneasy I always am at the thoughts of having been, and continuing to be, so heavy a burden to you; but indeed I hardly know how it could have been otherwise. In clothes and living I have been as economical as I could, consistently with keeping up a decent appearance. My chambers are certainly expensive, but to have worse, or in a worse situation, would hardly be advantageous to me on many accounts. The buying of books harasses me most, and must continue to do so, till I have a better stock; and they are so very expensive, that a law book generally costs twice as much as any other of the same size. I have, at different times, paid nearly 200*l.* for three or four shelves full (which I could not have done without selling several other books for which I had not immediate use), and still I am in want of some which are essential; the Statutes at large, for instance, which at this time cannot be bought for less than 50*l.*, and others though not of equal importance, yet very necessary; for a lawyer's library is like a tradesman's stock in trade, without which his business cannot be carried on. Everything in a court of law is decided by authority and precedent, and those who have not got the authorities and precedents always ready to be referred to, are under perpetual difficulties, and liable to perpetual blunders; though it must be confessed that many lawyers are from necessity forced to run the risk, and I am very willing to run my chance with others, being sensible that I ought to make the most use of the materials I have already procured. The stamps and other expences incidental to being called to the bar amounted to rather more than the produce of the 200*l.* three per cents., which Edward sold out for that purpose, and I have not enough by me to pay my rent, which is so nearly due, that I shall be under the necessity of recurring to him again very soon; but I hope that you will not think me capable of spending more money than I can avoid, with due regard to the circumstances in which I must live, and the appearance I must keep up. Since I was called I have been obliged to keep a boy, whom I am teaching to be a clerk.* At present he is an expence, but I hope that in future he will be the means of increasing my profits.

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* Thomas Le Dieu. I have the pleasure, further on, of presenting this gentleman's most interesting account of the almost fatherly kindness which he experienced from Mr. Bickersteth.

While my own affairs are in this situation, I have been delighted to learn the very favourable prospect that Edward has. To come into a business which will at once make him independent, and with every probability of increase, is more than could have been hoped, and I sincerely hope that his private happiness may at the same time be assured, in the manner he expects. Mr. Bleasdale's conduct seems to have been very handsome, and all the partners seem to have been desirous to requite Edward for the very great services he has rendered to them.

With best love to Charlotte, I remain, my dearest parents, your affectionate son,

HENRY BICKERSTETH."

His next letter shows his untiring industry, and his firm reliance on the fruits it must ultimately produce; he speaks of Lord Camden "starving for several years at the bar," yet rising to the head of his profession, and says, "If I could only get a present maintenance, I should fear nothing." . . . "However I will hope the best, and endeavour to make myself ready for all that may come." He also makes a remark on the fellows of his College, which, as the reader will see, turned out even more true than he then imagined.

London, Dec. 28th, 1811.

"MY DEAREST PARENTS,

"I believe the best way is to write immediately, lest I should relapse into the procrastinating mood. I am always very sorry to give you any uneasiness on that account, but I feel so very reluctant to write about nothing, or what I think nothing, which comes to the same thing, that I hardly know how to set about it; and when it is considered that the whole of a person's life, who passes his time in solitude, or at least with no other company than books or papers, is nothing to anybody else, till the fruit of his industry appears, which it does almost insensibly to himself, it is no wonder that, as my time is chiefly so employed, I feel very unskilful in describing it. Nothing has occurred since I last wrote, and indeed hardly could, since the present is holiday time, and those who have most business have a respite. I have written to Robert, as you desired, though he must have known that I meant to attach myself to the Court of Chancery, and consequently, that I should be glad of any business connected with that court. The nature of the business is well understood by the attorneys. The business of this court is much more laborious than any other; but I chose it, because I was told, I believe truly, that in time the chance of business was much more certain. I think I have always mentioned the length of time which might elapse,—there are so many examples of it,—and no stronger instance than Sir S. Romilly, who is now supposed to make 15,000*l.* a-year, and who is often so much pressed with business, that he is obliged to shut his door against his clients for weeks together. For many years he was little thought of, and was in great difficulties. Mr. Pratt, afterwards the great Lord Camden, after starving for several years at the bar, was using the little interest he had, to obtain a humble employment in

India, when an accident displayed his abilities, and he soon rose to the head of his profession.

There are, indeed, so many examples, that it would almost seem necessary to ultimate advancement that the beginning should have been slow. And so great is the encouragement, that (though I never wish to obtain more than a competency, and that a humble one), if I could only get a present maintenance, I should fear nothing. About this, however, I am naturally as anxious as can be, especially on account of having drawn from you all your savings, and yet having nothing to do. I am afraid your disappointment has been increased by the golden prospects of Mr. Addison, which I always regretted, because the example of others taught me they were fallacious; however, I will hope the best, and endeavour to make myself ready for all that may come. The Statutes you mention are not those I want. It is a book published by order of Parliament, and is meant to contain all the statutes which have ever been made in England. It will be chiefly useful to antiquarians and historians, and though an addition to a *rich* lawyer's library, not necessary to a poor one. Another new edition of the Statutes is printing for the use of lawyers, and that is the one I shall want.

The time of my becoming a Senior Fellow of Caius is a mere uncertainty, depending on the death, or marriage, or resignation, of one of the present seniors. I gained two steps last year, and though one can't depend on such a chance, an accident might bring me into the seniority at any time. It would be a great help, though I really cannot say how great, for the seniors have apparently made a rule never to give any information on the subject, and I think I have told you before, that those who reside, contrive to make the greatest advantage.

With love to Charlotte, I am, my dearest parents, your ever affectionate son,

H. BICKERSTETH."

It is evident from these letters that Mr. Bickersteth was making great exertions to relieve his parents from contributing to his support; and his intimate friends, who watched his progress step by step, must have known the daily struggles he was making, and the great privations he was enduring in his endeavour to accomplish his laudable purpose: some of them would, no doubt, have stepped forward to his assistance had they not feared the offer would give him pain; for there are few, indeed, who know how to benefit a high-spirited sensitive man without wounding his pride and offending his delicacy; but when one congenial spirit enjoys the privilege of assisting another, the obligation is mutual, and does honour to both. Sir Francis Burdett was one of the few who had an opportunity of observing the many trials and difficulties which Mr. Bickersteth had to encounter: he entertained the highest respect and esteem for his character, and knowing the circumstances under which his friend laboured, he was animated by a warm desire to serve him, and he had the courage to offer him that assistance which he so much needed. His letter on the subject is written with such pure delicacy that I cannot resist the temptation to insert it in these pages, although it was never intended to meet any eye but his to whom it was addressed.

"DEAR BICKERSTETH,

"So you have been promising and vowing strange things in my name! I was very sorry not to be able to attend the dinner, but if I had been well it would have been the same, for I must have been in the House. I have five hundred times been upon the point of speaking to you upon a subject I very much wished to do, but have been fearful of offending you;—yet I know not why, since you are sure to take a thing as it is intended. Without any more preface, I am very desirous, if I could tell how, to serve you; and after revolving a variety of things this has occurred to me. I know that it is often of the greatest importance to a man in the commencement of any career, to have the command, in cases of emergency, of a sum of money—don't be alarmed. Now, if you would allow me to be your banker to a certain extent, say five hundred pounds, the whole of which, or any part, you might draw for whenever occasion made it desirable, and replace it at your own convenience, I have thought this might, in the beginning of an arduous profession, be of great service to you and no detriment whatever to me, and, therefore, I have flattered myself that the offer, proceeding as it does from a just esteem of your character, would not be by you rejected: if it should not, as I have set my heart upon it it will not, pray write two words, —and mind, two words only—or, rather, three—I accept it—and never further mention made of it between us. Now the murder is out; I hope I have not done wrong. I am, however, confident you will take it as intended,

And believe me, with great esteem,
Yours very sincerely,
F. BURDETT."

26th, 1813.

CHAPTER XXII.

MR. BICKERSTETH'S ILLNESS.—LETTERS.—HIS ANXIETY TO RELIEVE HIS PARENTS FROM EXPENCE ON HIS ACCOUNT. — BECOMES A SENIOR OF HIS COLLEGE. — HIS NOBLE CONDUCT REGARDING THE PERSE FUND.—LETTER TO HIS COUSIN, CAPT. BATTY.

ANOTHER letter from Sir Francis Burdett shows that Mr. Bickersteth in December, 1813, had by study and anxiety brought on a fit of illness.

Oxford, Dec. 17th, 1813.

" DEAR BICKERSTETH,

" Your letter relieved me from much anxiety, but not from all, for I am very apprehensive your mode of life disagrees too much with your constitution not to make you subject to similar attacks. I wish we had gone to Ramsbury in the summer; an excursion would have been of service to you.

I am glad that I was not at the meeting of Parliament. I cannot but smile at the idea of the reverend divine having mitigated my politics; however, we go on very well here; upon the whole the society is by no means bad. The exercise of hunting has been of great benefit to me; indeed, the more exercise I take the better I always am.

This is not a moment when anything can be done beneficially for the public. The madness must subside, the evil designs of cheats and impostors must be made, by time, more apparent first—'reculer pour mieux sauter,' is policy; and to stand at such a moment free and uncommitted, a great advantage.

Is it not delightful to see Princes and Ministers aping popularity at tavern dinners, hitherto the object of their scorn and reprobation? The devil is said to quote Scripture, you know.

I fear by this time we shall have lost a very honest kind-hearted gentleman, Bosville; my letter of yesterday from Jones said he was then incapable of knowing those about him. I know not any private man who will be more missed. I have not heard from the Oxfords since they were at Majorca. Jones is well.

Yours sincerely, F. BURDETT."

His great anxiety at this time seems to have arisen from the sacrifices that he saw his parents were making on his behalf. To relieve them, he was even content to abandon his professional prospects, although they had now begun to brighten; but happily he was spared the necessity, and I know, on the best authority, that in after years all that he had received was more than repaid to various members of his family.

"MY DEAREST PARENTS,

"I am afraid you will have begun to think that I had forgotten to write, which, indeed, has not been the case, but the uniformity of my life is so constant that one letter would almost do for all times, as I have little more to write than the same thing over again. Our vacation is very nearly terminated, and, except for three days in the last week, I have been in town the whole time, but I have slept at my uncle's house, which has been some change, and my health has not suffered in the least. Business has, of course, been slack, but I have not been altogether without, and on the whole I think I meet with quite as much, or even more encouragement than could reasonably be expected. It is very true, nevertheless, that I am frequently put to considerable difficulties, and have very often occasion to think anxiously of my situation. If it were not of so very much importance to me to obtain independence immediately, I should say that my prospect was very good, and that three or four years more would give me all I wished for. As it is, I confess I hardly know how I shall be able to struggle on till I have had fair time and opportunity to establish myself. This is the only difficulty I feel. It would be untrue to say either that my success has hitherto been bad, or that it is likely my profession will enable me to maintain myself immediately. I have sufficient encouragement to persevere, and yet I have great reason to be uneasy; for it distresses me more than I can express to ask you for assistance, after having received it so frequently and so largely. Under these circumstances, however, I think that I have only one of two things to do; either I ought to continue, with what difficulty soever, in my present course, till it is fairly seen whether it will answer or not; or I ought to give the matter up without delay, and return to Cambridge, where I am sure of support and some profit.

I cannot resolve to show more unsteadiness or make any more new beginnings at a venture; and I assure you, that, after the discipline I have undergone, it will be a very slight mortification to me to give up my professional expectations for the smallest certainty which will enable me to live, and in time repay you the large money debt I have contracted. If, therefore, you think that I cannot or ought not to continue my trial here for a few years longer, I will cheerfully abandon it, and retire to Cambridge, where I certainly shall be no expense to you. But I hope you will not press upon me to commence a new risk at Liverpool or anywhere else. By living in your house I should only be chargeable to you in another shape, and I should abandon the progress I have made here, without the smallest certainty of gaining any establishment there. I think very little of the trouble, but I should be at a considerable expense in qualifying myself to practise other branches of the profession, and after all, I might be longer before I maintained myself there, than I should be here. Surely all this would be a very imprudent risk to run; especially when I have no good reason to complain of my progress here, and, in fact, have only to regret my own inability to continue for a few years longer in the course I have begun.

I have almost filled my paper without alluding to your change of abode. I hope that by this time you are comfortably settled in your new house, and that my mother continues to improve in health. All the accounts I have received are good, and I must hope they will continue to be so.

With best love to my sisters and Robert, I am ever your affectionate son,

H. BICKERSTETH.

Pray tell me how to direct my letters in future.

Temple, Oct. 22nd, 1814."

His next letter contains a noble sentiment—" When I can do without pecuniary help, I shall think that I have already succeeded."

" MY DEAREST PARENTS,

" I have only just time to acknowledge the receipt of thirty pounds contained in my father's letter. It is very painful to me to put my dearest mother to the inconvenience which I am sure it must be, of parting with this money, and certainly I can never be comfortable till I am able to get on without assistance. I am far from thinking my prospects bad, or that I have hitherto been unsuccessful. My difficulty only arises from the want of money to give myself a fair trial; but I have never heard of anybody who felt safe, after being at the bar so short a time. When I can do without pecuniary help, I shall think that I have already succeeded, and I shall not doubt being able to return what I have borrowed of you.

I am very grateful, and remain,

Your ever affectionate son,

H. BICKERSTETH.

You have not told me how to direct to you.

Monday, Nov. 7th, 1814."

A few months after we learn that his " business perhaps advances, and certainly does not go back," and so he is "almost content to be shut up among his books for ever."

Temple, May 17th, 1815.

"My dearest Mother,

"Mr. Welch has delivered his message, and I acknowledge the truth of a long debt. He has greatly delighted me by his account of you; for he says you appeared quite well. I sincerely hope that it is so, and that you will at length feel yourself safe in continually improving health and strength. I am sure that Charlotte takes every care in attending upon you, and for that we must all remain indebted to her, as she performs the duty which distance puts out of our power, though not out of our most anxious care. I hope, indeed, that because I seldom write you do not therefore suspect that I seldom think of you, which is so far from being the case, that I am almost inclined to the opinion of him who said, that a bad correspondent thought more of his friends than a regular writer, because the idea of his own neglect daily and hourly brought his friends to his recollection, when on the other hand the regular writer might seal his letter and have done till the next time.

Concerning myself I have as usual little to say. I am well in health, and my business perhaps advances, and certainly does not go back. It does not occupy my time, but I continue to live in the old way, almost entirely alone, which has become so much an agreeable habit, that I could be almost content to be shut up among my books for ever, without paying any regard to the buzz of the world around me.

It was an agreeable surprise to me to hear from Miss Braithwaite that Mary Anna intended to return through London; for though I fear I shall not see much of her, yet it will be a very great pleasure to see her at all. I am afraid that her stay will be shortened in consequence of Edward (who is a famous contriver for having his own way) having kept her a few days longer than was intended—for we can hardly ask that she should be detained longer than her appointed time from you and Charlotte, and John will, no doubt, keep her as long as he can. I suppose that by this time you are completely settled at Liverpool as at an established home, with everything about you, and all your habits arranged. You will be less troubled with visitors than at Kirkby, and as the air agrees with you, I hope that on the whole you are more comfortable. That your health may improve, and that you may be long preserved to all of us, to whom you are so invaluable, is my constant prayer, and most earnest wish. Give my love to my father—to whom not less than to you I write—to Charlotte and to Robert. I heard that Charlotte doubted whether I wished her to write. However good she is in other respects, and I hope I need not say that I think her very good indeed, yet for that doubt she deserves some reprehension, the which (in law slang) I hereby bestow upon her.

Believe me, my dearest mother, your ever affectionate son,

HENRY BICKERSTETH."

On the 15th of January, 1814, Mr. Bickersteth was elected into a senior fellowship of his college on what is called the Old Foundation, and in Michaelmas Term, 1823, he became one of the four Senior Fellows, and as such had an increased income of sixty pounds a year, derived from a fund called the Perse Foundation. In Michaelmas Term, 1825, the college found that the fund had so increased in value that a fresh distribution was made among the fellows, and the four seniors were to receive two hundred and twenty pounds a year each; this division, however, was not considered equitable by the Junior Fellows, and in the Lent Term following, the share of the four Senior Fellows was reduced to one hundred and forty pounds per annum, and so continued up to the Lent Term of 1830, when it seems that two of the Junior Fellows complained to the Master that they did not receive as much from the Perse Fund as they ought. This complaint Dr. Davy, the Master, communicated to Mr. Bickersteth in May, 1830. Upon hearing this, he desired to see the Foundation Deed, but Dr. Davy told him not to trouble himself about it, as their (the Senior Fellows') right was quite clear. This, however, did not satisfy Mr. Bickersteth; he wanted proof of their right, and requested Dr. Davy to send him the Foundation Charter to look at. He then was told that the fund was derived under a will; upon inquiring for the will, he was told there was no copy of it in the college, but there were extracts from it. These he determined to see, but they were so imperfect and incorrect as not to be intelligible: with some difficulty and trouble a full copy was obtained from Mr. Holditch, the bursar of the college, who sent him extracts from the college books from the year 1697, showing the stipends that the master and fellows received from that year, and the different times when any increase took place, and also a copy of the will. Mr. Holditch apologises for having been so long sending the information (his letter is dated 12th Oct., 1830), as the books from which he collected the information are secured by four locks, and he was only that morning able to obtain all the four keys to unlock them.

Immediately Mr. Bickersteth perused the will, he found that the Fellows had actually all been receiving money to which they were not entitled, and he immediately set off to Cambridge and declared his opinion to the Master and Senior Fellows there; but as they did not agree with him, he told them that he should bring the matter forward at the next general meeting of the Fellows, when the matter must be investigated by them.

Meetings were consequently held on the 27th and 28th of October, and Mr. Bickersteth brought the matter forward, and with much trouble got a new and just scale of payments adopted, and he immediately paid back every farthing of excess he had received, with interest at four per cent.*

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* He repaid to the college on the 28th of October, 1830, the sum of 748*l.* 15*s.* On his return to London he addressed the following letter to the Rev. Hamnet Holditch, the bursar of the college:

Lincoln's Inn, Oct. 30th, 1830.

"MY DEAR SIR,

"In looking over my papers since my return to town, with a view to my own account, I have discovered that in the hurry of my last interview with you, I miscomputed the amount which I intended to pay, and made the sum 25*l.* less than it ought to have been, as you will see by the particulars over leaf; I have therefore now re-

Speaking of this circumstance, Mr. Bickersteth writes in his diary, "From the time when I first became a Fellow of Caius College, I always understood that the four Senior Fellows had some peculiar benefit from the Perse Foundation, and as I approached seniority, hints were frequently given to me of the advantages I should have when I became one of the four Seniors. All this

mitted you 25*l.*, which I request you to add to the 748*l.* 15*s.* already paid by me on account of the Perse Fund, making altogether 773*l.* 15*s.* A line to acknowledge the receipt will oblige. Yours, &c.,

Henry Bickersteth.

To the Rev. H. Holditch.

		Receipt.	Excess.	Years since.	Interest 4 per cent.
1823.	M.	£ 30	£17 10	7	25...£17 10
1824.	L.	30	17 10	6½	
„	M.	30	17 10	6	
1825.	L.	30	17 10	5½	
„	M.	110	97 10	5	... ... 19 10
1826.	L.	70	57 10	4½	22 ... 51 15
„	M.	70	57 10	4	
1827.	L.	70	57 10	3½	
„	M.	70	57 10	3	
1828.	L.	70	57 10	2½	
„	M.	70	57 10	2	
1829.	L.	70	57 10	1½	
„	M.	70	57 10	1	
1830.	L.	70	57 10	½	
Principal			685 0		88 15
Interest			88 15		
Total			773 15		
Paid 28th Oct.			748 15		
Now remitted 30th Oct.			25 0		

Mr. Holditch sent by return of post a receipt for 773*l.* 15*s.* 0*d.*, "on account of the Perse Fund."

seemed a mere matter of course, and I thought nothing of the intimated advantages, but that if I remained in college I should at length receive some increase of stipend. I thought that the Perse Foundation was, amongst other things, a special benefaction to the Master and four Senior Fellows. I became one of the four Senior Fellows in 1823, and received an increase of stipend to the amount of sixty pounds a year, without thinking that there was, or could be, any doubt of my right. I rarely attended college meetings, and when I did so, ran down to Cambridge and concurred in what passed upon the information I then received, and in the reliance that what they proposed was for the general benefit. In 1825, at a meeting of the Master and Seniors, it was proposed to increase their stipends. I asked if it was clear that we were entitled to do so. I was told it was, and without looking at any document, or knowing the nature or particulars of the Foundation, but giving entire confidence to the Master and the other Seniors, but particularly the Master, who said he knew the Foundation, &c., I concurred in the vote of increase. I pretend not to justify or excuse the proceeding; it was a grave fault in all, and perhaps worst in myself, to apply money to our own benefit without examining the documents for the purpose of ascertaining whether we had authority or not—but so the case was."

Here Mr. Bickersteth's conscientious spirit shines preeminently bright; as soon as a doubt of the Senior Fellows' right to receive their annual stipend was raised, he felt uneasy, and could not rest until he had satisfied himself. The inquiry having led to the discovery that all, both Senior and Junior Fellows, as well as the Master, had been receiving money to which, in his opinion, they were not entitled, he immediately, and without hesitation, refunded the whole he had wrongfully received, with interest; though the severest judge could not have thrown a shadow of blame upon him for acquiescing in a practice which had been so long that of his predecessors, yet he blames himself for not having inquired more strictly before he received. His humility on the occasion is as beautiful as any example of that virtue either in ancient or modern history. Had the doubt never been breathed to him, it is not likely that he would ever have inquired into the matter; he would as soon have doubted his right to the name he bore as to the stipend, which had been considered the Fellows' right for so many years.

The sequel to this beautiful trait of character remains to be told. Mr. Bickersteth's spirited and magnanimous conduct soon got wind beyond the college walls, and it was naturally thought by the public that the Master and Fellows from first to last ought to have followed his bright example. A bill in Chancery was consequently filed against the college praying the Court to compel the Master and Fellows to do, by a decree in equity, the same as had been so nobly done by one Fellow, who had voluntarily refunded every farthing he had erroneously received with interest, immediately he had discovered there had been a misappropriation of the fund; and it is curious enough that the judge who heard and decided the case was no other than the identical Fellow who seven years before had acted thus. The judge at first declined, out of delicacy, to hear the cause, and only consented to do so at the earnest solicitation of both parties.*

We rarely find a man who makes many subjects his study become very learned in any, yet Mr. Bickersteth, we know, made himself master of the law, and he seems to have given no slight attention to military matters as well as to general literature.† In the following letter he analyzes a plan that his cousin, Captain Batty, then at Cambrai, had formed for a work on the proceedings antecedent and subsequent to the Battle of Waterloo.

"My dear Robert,

"I think that the work you contemplate does not require any discussion of the various political motives by which the Allies were actuated in the late war; their avowed object was the downfall of Napoleon, which you will find it necessary to state for the purpose of giving interest and connection to the different parts of your subject; and I should propose a preliminary article on the state of Europe in February, 1815,—the powers engaged in political and territorial arrangements, but not having dismissed their troops, when Napoleon appeared in France it was immediately resolved to crush him, and soon found that he could only be put down by force superior to that of all France. This will lead to your second article, what the force of France was as an object of attack, and to your third, the plan of the Allies, with the formation of their armies in execution of it. Then will come the preparations of Napoleon. Your fourth article may, I think, be made very interesting, and may comprise, or be preceded by, the episode of Murat's rash campaign. The storm burst in Belgium, your fifth article ; but the Battle of Waterloo was the last important act in the history: all the rest was mere winding-up of the plot; and I think that a single article, entitled 'Consequences of the Battle of Waterloo,' would bring you to the occupation of Paris by all the Allies, who, of course, cared nothing for the opposition made by the French in Alsace, or elsewhere. There were some contests for terms of surrender, or for delay till events were better known ; but, generally speaking, it was a rapid march for a share of the honour and the pillage—and it seems to me that you would not only pay too high a compliment to the Austrians, Russians, and Bavarians, by giving two separate articles to their proceedings—but that you would run considerable risk of lessening the interest of your work, which will naturally fall off and require some management to keep up after the day of Waterloo. For the same reasons, and also because of the expence, I should think that your third and fourth plans were not necessary, and that it would be sufficient to mark the principal position and events upon the general plan. Waterloo decided the campaign; it was followed up by a few skirmishes of the English and Prussians, in the vicinity of Paris, and France was subjugated; and my notion is, that most people would think an account of an ordinary parade, or review, almost as interesting as the proceedings of the Allies in Alsace or the Alps after that time. Some account is necessary; but the shorter and more rapid it is, the better it will be. I have thus freely given you my opinion of your plan, and you must excuse any error I may be under from not knowing the extent of your materials. I am very glad that you are so employed, and shall be always happy to render you every assistance in my power. You must necessarily profit by the mere study of the proper objects of your profession; and I see no reason to doubt the success of the publication, though at present people here are thinking of far different matters, and have very little money to spare.

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* An abstract of the judgment will be found in the Appendix.

† I have already mentioned that he also wrote the Preface to Garnett's "Zoonomia," and the life of the author.

Your affectionate cousin,
Henry Bickersteth.

Temple, March 16th, 1816."

CHAPTER XXIII.

LEGAL REFORM. — NOTICE OF JEREMY BENTHAM. — PROPOSED UNION WITH SIR FRANCIS BURDETT IN FURTHERANCE OF PARLIAMENTARY REFORM DRAWN UP BY MR. BICKERSTETH.

I HAVE more than once had occasion to mention Jeremy Bentham, and a short sketch of his life and character will not be out of place here, as it was entirely from his precepts, his writings, and his conversations that the subject of the present memoir was first led to think of the science of legislation as distinguished from the mere practice of the law.

From Bentham he first heard that the English law was not the perfection of human reason, nor the master production of exalted intellect and matured experience, but "a fathomless and boundless chaos made up of fiction, tautology, technicality, and inconsistency, and the administrative part of it a system of exquisitely contrived chicanery, which maximises delay and denial of justice." Startling propositions, no doubt, to a young and enthusiastic mind like that of Henry Bickersteth, but capable of being reduced to proof one way or the other: and his was not a mind to take all for granted that he heard, for he did not adopt opinions on authority, but exercised his own judgment on the evidence.

Jeremy Bentham was born in the year 1748, and from his earliest infancy exhibited a prodigious precocity and originality, as well as independence of thought. He was admitted a member of Queen's College, Oxford, at the age of thirteen, and took his degree of A.B. at sixteen, and A.M. at twenty, being the youngest graduate probably ever known at either of the Universities.

His father observing the remarkable qualities of his son, determined to bring him up to the profession of the law, thinking that in the arena of the bar he would to a certainty distinguish himself.

He commenced the study, and entered on the practice of the law; but as soon as he saw enough of his profession to know its nature and practice, his principles and his tastes rebelled against it; and neither the prospect of wealth nor the gratification of ambition could tempt him to assist in perpetuating a system which he considered faulty to the last degree. He determined, therefore, to slip off the veil of mystery which concealed its deformity, and exhibit it in its true shape. A bold and daring resolve at a time when penal laws and the scorn of society were levelled against the free political inquirer; but his was not a mind to be subdued by obstacles nor crushed by opposition, and he steadily pursued his course, regardless alike of peril and toil, of blame or praise.

Alone he commenced the attack, and alone he carried it on, using every weapon that came in his way with a wondrous dexterity. He found it hopeless to attempt to patch and mend the rents and fissures that time had made in the fabric he had taken under his charge, and that the only way to make it useful for present purposes, and beneficial in ages to come, was to raze the building to the earth and reconstruct it in better proportions. Long and earnestly did he work in his labour of love without any apparent effect, but at last an impression was made—men of intellect and station understood and adopted his principles.

It is not in his character of a moral philosopher that I am now considering Mr. Bentham, but in that of a law reformer; and certainly no man before or since has taken so comprehensive a view of the science of legislation. He was the first who conceived with anything like precision the idea of a complete body of law, which he denominated Pannomion, and divided into four parts — the constitutional; the civil; the penal; and the administrative.

The constitutional division includes the several ordinances which relate to the form of the supreme authority, and the mode by which its will is to be carried into effect. In this portion of the Pannomion sufficient has been done to render the completion comparatively easy.

The civil part includes the several ordinances which relate to the creation or constitution of rights, and is termed the Right-conferring Code.

The penal includes the several ordinances which relate to the creation or constitution of offences, and is termed the Wrong-repressing Code. Upon this and the civil portion he produced more properly treatises than codes.

The administrative portion includes the several ordinances which relate to the mode of executing the whole body of laws, and is termed the Code of Procedure. This code or portion he has worked out to the fullest extent, and it is the most perfect of all his works.

I cannot offer to the reader a better summary of the services which the philosophy of legislation owes to Mr. Bentham than that of Mr. John Stuart Mill:—

"Bentham has been in this age and country the great questioner of things established. It is by the influence of the modes of thought with which his writings inoculated a considerable number of thinking men, that the yoke of authority has been broken, and innumerable opinions, formerly received upon tradition as incontestable, are put upon their defence and required to give an account of themselves. Who, before Bentham, (whatever controversies might exist on points of detail,) dared to speak disrespectfully, in express terms, of the British Constitution, or the English Law? He did so; and his arguments and his example together encouraged others. I do not mean that his writings caused the Reform Bill, or that the Appropriation Clause owns him as its parent: the changes which have been made, and the greater changes which will be made, in our institutions, are not the work of philosophers, but of the interests and instincts of large portions of society recently grown into strength. But Bentham gave voice to those interests and instincts: until he spoke out, those who found our institutions unsuited to them did not dare to say so, did not dare consciously to think so; they had never heard those institutions questioned by cultivated men, by men of acknowledged intellect; and it is not in the nature of uninstructed minds to resist the united authority of the instructed. Bentham broke the spell. It was not Bentham by his own writings; it was Bentham through the minds and pens which those writings fed—through the men in more direct contact with the world, into whom his spirit passed. If the superstition about ancestorial wisdom has fallen into decay; if the public are grown familiar with the idea that their laws and institutions are not the product of intellect and virtue, but of modern corruption grafted upon ancient barbarism; if the hardiest innovation is no longer scouted *because* it is an innovation—establishments no longer considered sacred because they are establishments—it will be found that those who have accustomed the public mind to these ideas have learnt them in Bentham's school, and that the assault on ancient institutions has been, and is, carried on for the most part with his weapons. It matters not although these thinkers, or indeed thinkers of any description, have been but scantily found among the persons prominently and ostensibly at the head of the Reform movement. All movements, except revolutionary ones, are headed, not by those who originate them, but by those who know best how to compromise between the old opinions and the new. The father of English innovation, both in doctrines and in institutions, is Bentham: he is the great *subversive*, or, in the language of continental philosophers, the great *critical*, thinker of his age and country.

I consider this, however, to be not his highest title to fame. Were this all, he were to be ranked among the lowest order of the potentates of mind—the negative, or destructive philosophers; those who can perceive what is false, but not what is true; who awaken the human mind to the inconsistencies and absurdities of time-sanctioned opinions and institutions, but substitute nothing in the place of what they take away.

To speak of him first as a merely negative philosopher—as one who refutes illogical arguments, exposes sophistry, detects contradiction and absurdity; even in that capacity there was a wide field left vacant for him by Hume, and which he has occupied to an unprecedented extent; the field of practical abuses. This was Bentham's peculiar province: to this he was called by the whole bent of his disposition: to carry the warfare against absurdity into things practical. His was an essentially practical mind. It was by practical abuses that his mind was first turned to speculation—by the abuses of the profession which was chosen for him, that of the law. He has himself stated what particular abuse first gave that shock to his mind, the recoil of which has made the whole mountain of abuse totter; it was the custom of making the client pay for three attendances in the office of a Master in Chancery, when only one was given. The law, he found, on examination, was full of such things. But were these discoveries of his? No; they were known to every lawyer who ever practised, to every judge who ever sat upon the bench, and neither before nor for long after did they cause any apparent uneasiness to the consciences of these learned persons, nor hinder them from asserting, whenever occasion offered, in books, in parliament, or on the bench, that the law was the perfection of reason. During so many generations, in each of which thousands of well educated young men were successively placed in Bentham's position and with Bentham's opportunities, he alone was found with sufficient moral sensibility and self-reliance to say in his heart that these things, however profitable they might be, were frauds, and that between them and himself there should be a gulf fixed.

By thus carrying the war of criticism and refutation, the conflict with falsehood and absurdity, into the field of practical evils, Bentham, even if he had done nothing else, would have earned an important place in the history of intellect. He carried on the warfare without intermission. To this, not only many of his most piquant chapters, but some of the most finished of his entire works, are entirely devoted: the 'Defence of Usury;' the 'Book of Fallacies;' and the onslaught upon Blackstone, published anonymously under the title of 'A Fragment on Government,' which, though a first production, and of a writer afterwards so much ridiculed for his style, excited the highest admiration no less for its composition than for its thoughts, and was attributed by turns to Lord Mansfield, to Lord Camden, and (by Dr. Johnson) to Dunning, one of the greatest masters of style among the lawyers of his day. These writings are altogether original; though of the negative school, they resemble nothing previously produced by negative philosophers; and would have sufficed to create for Bentham, among the subversive thinkers of modern Europe, a place peculiarly his own. But it is not these writings that constitute the real distinction between him and them. There was a deeper difference. It was that they were purely negative thinkers, he was positive: they only assailed error, he made it a point of conscience not to do so until he thought he could plant instead the corresponding truth. Their character was exclusively analytic, his was synthetic. They took for their starting point the received opinion on any subject, dug round it with their logical implements, pronounced its foundations defective, and condemned it: he began *de novo*, laid his own foundations deeply and firmly, built up his own structures, and bid mankind compare the two; it was when he had solved the problem himself, or thought he had done so, that he declared all other solutions to be erroneous. Hence, what they did will not last; it must perish, much of it has already perished, with the errors which it exploded: what he did has its own value, by which it must outlast all errors to which it is opposed. Though we may reject, as we often must, his practical conclusions, yet his premises, the collections of facts and observations from which his conclusions were drawn, remain for ever, a part of the materials of philosophy.

A place, therefore, must be assigned to Bentham among the masters of wisdom, the great teachers and permanent intellectual ornaments of the human race. He is among those who have enriched mankind with imperishable gifts; and although these do not transcend all other gifts, nor entitle him to those honours 'above all Greek, above all Roman fame,' which by a natural reaction against the neglect and contempt of the world, some few of his admirers were once disposed to accumulate upon him, yet to refuse an admiring recognition of what he was, on account of what he was not, is a much worse error, and one which, pardonable in the vulgar, is no longer permitted to any cultivated and instructed mind.

Bentham's method may be shortly described as the method of *detail;* of treating wholes by separating them into their parts, abstractions by resolving them into Things,—classes and generalities by distinguishing them into the individuals of which they are made up; and breaking every question into pieces before attempting to solve it. The precise amount of originality of this process, considered as a logical conception—its degree of connexion with the methods of physical science, or with the previous labours of Bacon, Hobbes, or Locke —is not an essential consideration in this place. Whatever originality there was in the method—in the subjects he applied it to, and in the rigidity with which he adhered to it, there was the greatest. Hence his interminable classifications. Hence his elaborate demonstrations of the most acknowledged truths. That murder, incendiarism, robbery, are mischievous actions, he will not take for granted without proof; let the thing appear ever so self-evident, he will know the why and the how of it with the last degree of precision; he will distinguish all the different mischiefs of a crime, whether of the *first*, the *second*, or the *third* order—namely, 1. the evil to the sufferer, and to his personal connexions; 2. the *danger* from example, and the *alarm*, or painful feeling of insecurity; and 3. the discouragement to industry and useful pursuits arising from the *alarm*, and the trouble and resources which must be expended in warding off the *danger.* After this enumeration, he will prove to you from the laws of human feeling, that even the first of these evils, the sufferings of the immediate victim, will on the average greatly outweigh the pleasure reaped by the offender; much more when all the other evils are taken into account. Unless this could be proved, he would account the infliction of punishment unwarrantable; and for taking the trouble to prove it formally, his defence is, 'there are truths which it is necessary to prove, not for their own sakes, because they are acknowledged, but that an opening may be made for the reception of other truths which depend upon them. It is in this manner we provide for the reception of first principles, which, once received, prepare the way for admission of all other truths.' To which may be added, that in this manner also do we discipline the mind for practising the same sort of dissection upon questions more complicated and of more doubtful issue.

It is a sound maxim, and one which all close thinkers have felt, but which no one before Bentham ever so consistently applied, that error lurks in generalities: that the human mind is not capable of embracing a complex whole, until it has surveyed and catalogued the parts of which that whole is made up; that abstractions are not facts, but an abridged mode of expressing facts, and that the only practical mode of dealing with them is to trace them back to the facts (whether of experience or of consciousness) of which they are the expression. Proceeding upon this principle, Bentham makes short work with the ordinary modes of moral and political reasoning. These, it appeared to him, when hunted to their source, for the most part terminated in *phrases.* In politics—liberty, social order, constitution, law of nature, social compact, &c., were the catch-words: ethics had its analogous ones. Such were the arguments on which the gravest questions of morality and policy were made to turn; not reasons, but allusions to reasons; sacramental expressions, by which a summary appeal was made to some general sentiment of mankind, or to some maxim in familiar use, which might be true or not, but the limitations of which no one had ever critically examined. And this satisfied other people; but not Bentham. He required something more than opinion as a reason for opinion. Whenever he found a *phrase* used as an argument for or against anything, he insisted upon knowing what it meant; whether it appealed to any standard, or gave any intimation of any matter of fact relevant to the question; and if he could not find that it did either, he treated it as an attempt on the part of the disputant to impose his own individual sentiment on other people, without giving them a reason for it; a 'contrivance for avoiding the obligation of appealing to any external standard, and for prevailing upon the reader to accept of the author's sentiment and opinion as a reason, and that a sufficient one, for itself.'

Bentham's speculations, as we are already aware, began with the law; and in that department he accomplished his greatest triumphs. He found the philosophy of law a chaos, he left it a science: he found the practice of the law an Augean stable, he turned the river into it which is mining and sweeping away mound after mound of its rubbish.

Without going into the exaggerated invectives against lawyers, which Bentham sometimes permitted himself, or making one portion of society alone accountable for the fault of all, we may say that circumstances had made English lawyers in a peculiar degree liable to the reproach of Voltaire, who defines lawyers the 'conservators of ancient barbarous usages.' The basis of the English law was, and still is, the feudal system. That system, like all those which existed as custom before they were established as law, possessed a certain degree of suitableness to the wants of the society among whom it grew up—that is to say, of a tribe of rude soldiers, holding a conquered people in subjection, and dividing its spoil among themselves. Advancing civilisation had, however, converted this armed encampment of barbarous warriors in the midst of enemies reduced to slavery, into an industrious, commercial, rich, and free people. The laws which were suitable to the first of these states of society, could have no manner of relation to the circumstances of the second; which could not even have come into existence, unless something had been done to adapt those laws to it. But the adaptation was not the result of thought and design; it arose not from any comprehensive consideration of the new state of society and its exigencies. What was done, was done by a struggle of centuries between the old barbarism and the new civilisation; between the feudal aristocracy of conquerors, holding fast to the rude system they had established, and the conquered effecting their emancipation. The last was the growing power, but was never strong enough to break its bonds, though ever and anon some weak point gave way. Hence the law came to be like the costume of a full-grown man who had never put off the clothes made for him when he first went to school. Band after band had burst, and, as the rent widened, then, without removing anything except what might drop off of itself, the hole was darned, or patches of fresh law were brought from the nearest shop and stuck on. Hence all ages of English history have given one another *rendezvous* in English law; their several products may be seen all together, not interfused, but heaped one upon another, as all ages of the earth may be read in some perpendicular section of its surface—the deposits of each successive period not substituted but superimposed on those of the preceding. And in the world of law no less than in the physical world, every commotion and conflict of the elements has left its mark behind in some break or irregularity of the strata: every struggle which ever rent the bosom of society is apparent in the disjointed condition of the part of the field of law which covers the spot; nay, the very traps and pitfalls which one contending party set for another are still standing, and the teeth not of hyenas only but of foxes and all cunning animals are imprinted on the curious remains found in these antediluvian caves.

In the English law, as in the Roman before it, the adaptations of barbarous laws to the growth of civilized society were made chiefly by stealth. They were generally made by the courts of justice, who could not help reading the new wants of mankind in the cases between man and man which came before them; but who, having no authority to make new laws for those new wants, were obliged to do the work covertly, and evade the jealousy and opposition of an ignorant, prejudiced, and for the most part brutal and tyrannical legislature. Some of the most necessary of these improvements, such as the giving force of law to *trusts*, and the breaking up of *entails*, were effected in actual opposition to the strongly-declared will of Parliament, whose clumsy hands, no match for the astuteness of judges, could not, after repeated trials, manage to make any law which the judges could not find a trick for rendering inoperative. The whole history of the contest about trusts may still be read in the words of a conveyance, as could the contest about entails, till the abolition of fine and recovery by a bill of the then Attorney-General;* but dearly did the client pay for the cabinet of historical curiosities which he was obliged to purchase every time that he made a settlement of his estate. The result of this mode of improving social institutions was, that whatever new things were done had to be done in consistency with old forms and names; and the laws were improved with much the same effect as if, in the improvement of agriculture, the plough could only have been introduced by making it look like a spade; or as if, when the primeval practice of ploughing by the horse's tail gave way to the innovation of harness, the tail, for form's sake, had still remained attached to the plough.

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* Sir John Campbell.

When the conflicts were over, and the mixed mass settled down into something like a fixed state, and that state a very profitable and therefore a very agreeable one to lawyers, they, following the natural tendency of the human mind, began to theorise upon it, and, in obedience to necessity, had to digest it and give it a systematic form. It was from this thing of shreds and patches, in which the only part that approached to order or system was the early barbarous part, now more than half superseded, that English lawyers had to construct, by induction and abstraction, their philosophy of law; and without the logical habits and general intellectual cultivation which the lawyers of the Roman empire brought to a similar task. Bentham found the philosophy of law what English practising lawyers had made it; a mess, in which *real* and *personal* property, *law* and *equity*, *felony*, *premunire*, *misprision*, and *misdemeanour*, words without a vestige of meaning when detached from the history of English institutions—mere tide-marks to point out the line which the sea and the shore, in their secular struggles, had adjusted as their mutual boundary—all passed for distinctions inherent in the nature of things; in which every absurdity, every lucrative abuse, had a reason found for it—a reason which only now and then even pretended to be drawn from expediency; most commonly a technical reason, one of mere form, derived from the old barbarous system. While the theory of the law was in this state, to describe what the practice of it was, would require the pen of a Swift, or of Bentham himself. The whole progress of a suit at law seemed like a series of contrivances for lawyers' profit, in which the suitors were regarded as the prey; and if the poor were not the helpless victims of every Sir Giles Overreach who could pay the price, they might thank opinion and manners for it, not the law.

It may be fancied by some people that Bentham did an easy thing in merely calling all this absurd, and proving it to be so. But he began the contest a young man, and he had grown old before he had any followers. History will one day refuse to give credit to the intensity of the superstition which, till very lately, protected this mischievous mess from examination or doubt—passing off the charming representations of Blackstone for a just estimate of the English law, and proclaiming the shame of human reason to be the perfection of it. Glory to Bentham that he has dealt to this superstition its death-blow — that he has been the Hercules of this Hydra, the St. George of this pestilent dragon! The honour is all his—nothing but his peculiar qualifications could have done it. There were wanting his indefatigable perseverance, his firm self-reliance, needing no support from other men's opinion; his intensely practical turn of mind, his synthetical habits—above all, his peculiar method. Metaphysicians, armed with vague generalities, had often tried their hands at the subject, and left it no more advanced than they found it. Law is a matter of business; means and ends are the things to be considered in it, not abstractions: vagueness was not to be met by vagueness, but by definiteness and precision: details were not to be encountered with generalities, but with details. Nor could any progress be made, on such a subject, by merely showing that existing things were bad; it was necessary also to show how they might be made better. No great man whom we read of was qualified to do this thing except Bentham. He has done it, once and for ever.

To sum up our estimate under a few heads. First: He has expelled mysticism from the philosophy of law, and set the example of viewing laws in a practical light, as means to certain definite and precise ends. Secondly: He has cleared up the confusion and vagueness attaching to the idea of law in general, to the idea of a body of laws, and all the general ideas therein involved. Thirdly: He demonstrated the necessity and practicability of *codification*, or the conversion of all law into a written and systematically arranged code: not like the Code Napoleon, a code without a single definition, requiring a constant reference to anterior precedent for the meaning of all its technical terms; but a code containing within itself all that is necessary for its own interpretation, together with a perpetual provision for its own emendation and improvement. He has shown of what parts such a code would consist; the relation of those parts to one another; and by his distinctions and classifications has done very much towards showing what should be, or might be, its nomenclature and arrangement. What he has left undone, he has made it comparatively easy for others to do. Fourthly: He has taken a systematic view of the exigencies of society for which the civil code is intended to provide, and of the principles of human nature by which its provisions are to be tested: and this view, defective wherever spiritual interests require to be taken into account, is excellent for that large portion of the laws of any country which are designed for the protection of material interests. Fifthly: (to say nothing of the subject of punishment, for which something considerable had been done before) he found the philosophy of judicial procedure, including that of judicial establishments, and of evidence, in a more wretched state than even any other part of the philosophy of law; he carried it at once almost to perfection. He left it with every one of its principles established, and little remaining to be done even in the suggestion of practical arrangements."

Bentham died on the 6th of June, 1832, at the venerable age of eighty-five.

Such was the man of whom Henry Bickersteth became a pupil, a friend, and a follower; and after a twenty years' knowledge of his principles and exertions in the field he had undertaken to explore, Bentham declared "that Bickersteth was of all his friends the most cordial to law reform, to its utmost extent."

In February, 1818, Sir Francis Burdett applied to Bentham to draw up a bill for Parliamentary Reform; but the latter felt some diffidence from incompetency in entering into the details requisite in a bill—in addition to which he could never bring himself to put his name to any plan of Parliamentary Reform, which did not include the ballot.

This proposed union of Bentham and Burdett was the result of the following document, written by Mr. Bickersteth as the friend of both:—

Feb. 25th, 1818.

"In the contemplation of any improvement in politics or legislation, it is obvious that the possession of an instrument of amelioration, sufficiently powerful and enlightened, is a condition without which no hope of success can be entertained; and, in the present circumstances of England, it is equally clear, that sufficient power, united with sufficient knowledge and rectitude of intention, could only be found in a radically reformed Parliament, after some further time has been allowed for public instruction. If Parliament were reformed today, we should have power and upright intention; but unless we had also a more general and familiar knowledge of the principles of legislation than now exists, it might justly be apprehended that, in many cases, ignorance of what was right to be done would produce the same effects which we now suffer under the influence of vice. It appears, therefore, that two things are to be considered. Parliamentary Reform, without which no general good can be done; and Public Instruction, which is necessary, first, as a means of obtaining reform, and, secondly, as a means of reaping the greatest possible benefit from reform when obtained. Upon the last it is not necessary to say more on the present occasion.

Reform can be peaceably obtained only by the pressure of public opinion, acting with continually increasing uniformity and weight in favour of the cause. But on such subjects as this, public opinion is no more than the opinion of an individual, advantageously promulgated and well sustained, and therefore adopted by the multitudes. Advantageously promulgated—that is, in such manner as will secure universal notoriety, with general attention and respect: well sustained—that is, by the first statement, and continued repetition of reasons, which are in themselves incontrovertible because founded on common interest; and which are laid down so plainly and distinctly, that the least competent of those who have any perceptible influence over others may easily understand and remember them. If attention be kept alive, and continually supplied with reasons capable only of being strengthened by reiterated discussion, a sufficient uniformity of public opinion may reasonably be expected.

Now England possesses two distinguished friends of reform, who, by their joint labours, are able to give the most advantageous promulgation to the best possible plan. The characters of Mr. Bentham and Sir Francis Burdett are too well known to each other to make it necessary or proper to say anything on that subject. Of the great work to be done, the one is, more than any other person, capable of performing that part which is least congenial to the habits of the other; and their united exertions would not fail to be eminently beneficial. Conceive a plan of reform drawn up by Mr. Bentham—the best possible, because framed by the person best qualified; and promulgated and supported by Sir Francis Burdett—the most advantageously, because by the person whose every word becomes universally notorious, and excites universal interest and attention; the following are among the advantages to be derived from it:—1. A light held up for the guidance of all friends of reform. 2. An effectual moral shield against all enemies. 3. General confidence that the plan was the best that circumstances would permit. 4. A suppression of minor differences of opinion, in favour of a plan so sanctioned, and consequent approaches to uniformity. 5. Petitions for the adoption of a particular plan which could not be reasonably controverted.

Whatever may be proposed, the parliamentary debates afford the most extensive means of publication; and it seems probable that the best mode of stating a plan of reform would be, — to propose a few short and simple resolutions, asserting the principal abuses complained of, and setting forth the more general regulations constituting the intended remedy,—with an indication that a bill, or a complete system of resolutions or propositions, preliminary to the enactment of the law-establishment of the entire remedy, was prepared and ready to be proposed on the adoption of the first resolutions. From the proposal, follows a debate, every word of which might be recorded and published with critical and explanatory notes, and an appendix, containing the bill or system of propositions, comprehending the details of the plan. If the names of Bentham and Burdett went together in this proceeding, we should not only have universal notoriety, but all the reflection and sagacity, as well as all the active zeal in the kingdom, would be called into immediate action on this subject; and it would be surprising indeed, if every succeeding year did not produce an increasing weight of petitions. The most profound philosophy cannot unite in vain with the greatest popularity of the time.

It is not anticipated that any serious difficulty will arise from the different plans which have been already proposed. Both Sir Francis Burdett and Mr. Bentham have expressed themselves willing to support any plan which fairly tends to promote the object they have in view, and each of them has bestowed approbation on the labours of the other. The differences of opinion, if any, are probably on points of inferior importance, and the means of conciliation are open.

But Mr. Bentham, whose time is invaluable, is unwilling to divert his attention from other objects, and engage in the work, unless he has some positive assurance that the labour he may devote to it, may not be thrown away; and this assurance can only be given by Sir Francis Burdett."

Nothing however seems to have arisen out of this proposition.

CHAPTER XXIV.

THE WESTMINSTER ELECTION OF 1818.—THE CANDIDATES.—PROMINENT PART TAKEN BY MR. BICKERSTETH.—BENTHAM'S OPINION OF BURDETT.—AN UNPUBLISHED LETTER OF BENTHAM'S.—MR. BICKERSTETH IS OFFERED A SEAT IN PARLIAMENT.—HIS REASON FOR DECLINING IT.

MR. BICKERSTETH was now known, as I have said, as a political and legal reformer, a disciple of Bentham, and a friend of Burdett, at that time scornfully denounced as Radicals.

On the 10th of June, 1818, the Prince Regent dissolved the Parliament, without, as had been expected, any previous prorogation, and the whole country was thrown into a state of great excitement. In Westminster, as usual, great preparations were made for the approaching contest between the Whigs and Radicals: the candidates were:—

Sir Samuel Romilly, who was the "nom de guerre" of the Whigs; he had been invited to come forward for Westminster by a great body of the electors, "who requested him to abstain from all personal attendance, trouble, and expense." In answer to the requisition he stated, "that if it should be the pleasure of a majority of the electors, without any solicitation or interference on his part to choose him as one of their representatives, he should think that the highest honour had been conferred on him that it was possible to attain."

Captain Sir Murray Maxwell, supported by all the influence of Government, was the Tory candidate. The Radicals were divided in their choice: the more respectable desired to re-elect Sir Francis Burdett, their former representative, and to return, as his colleague, the Hon. Douglas Kinnaird, a brother of Lord Kinnaird. The extreme party were in favour of the notorious Henry Hunt and Major Cartwright.

The show of hands at the commencement of the election was in favour of Sir Samuel and Hunt; but a poll was of course demanded, and at the close of the first day's election, the numbers stood thus:—Romilly, 189; Maxwell, 176; Burdett, 87; Kinnaird, 25; Hunt, 14; Cartwright, 10. It was clear on the fourth day that Kinnaird had no chance of being elected, and that Burdett's committee and his friends were greatly endangering his election by canvassing for Kinnaird, in opposition to Romilly, and they determined to withdraw him as a candidate, and to canvass for Burdett alone. In consequence of this movement, as was expected, the numbers in favour of Burdett greatly increased, and on the fifth day he was three votes ahead of Maxwell, and the numbers in his favour continued daily advancing. The poll closed on Saturday, the 4th of July, when the numbers stood thus:—Romilly, 5339; Burdett, 5238; Maxwell, 4808; and Hunt, 84 — Cartwright had previously withdrawn from the contest.

The lawyers, with whom Sir Samuel was a great favourite, exerted themselves to the utmost in his behalf, and were very much displeased that one of the most rising men at the Chancery bar should have been an active member of Burdett's committee;* and Mr. Bickersteth was condemned for acting according to the dictates of friendship and conscience rather than his own interest. Speaking of the result of this election, he writes:—"I soon felt the effects of my imprudence—not only did my business diminish,† but persons with whom I had up to that time lived on terms of courtesy and good-fellowship, at once grew cold to me. I cannot forget the feelings which I experienced in going up Lincoln's Inn Hall the first time after the election was over: some of my fellow barristers whom I had liked, and many with whom I had always been on good terms, absolutely turned away from me. I felt this treatment severely, but I was satisfied that I had done right, and I resolved to adhere steadily to the business which remained to me, and trust to that for getting over the undeserved reproach. I succeeded; the cloud after a time passed away—my business returned—I was again recognized by the men who had turned from me; and, as I had made up my mind to take no offence, it was not very long before my affairs were restored to their former state, with some amelioration arising from the fact that I had overcome a reproach, and I became considered as a person who had adopted his line—a bad one indeed—but one which I must be allowed to proceed in, because I was not to be deterred from it."

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* Sir Samuel Romilly, on the subject of this election, remarks: "Among the strange incidents which occurred during the election, was the decided part which my excellent friend, Jeremy Bentham, took against me. He did not vote, indeed; but he wrote a handbill, avowed and signed by him, in which he represented me to be a most unfit member for Westminster, as being a lawyer, a Whig, and a friend only to moderate reform. This handbill he sent to Burdett's committee; but, as it did not reach them till after they had become sensible that they had injured their cause by their abuse of me, they refused to publish it. Some of my friends were very angry with Bentham for his hostile interference against me. For myself, I feel not the least resentment at it. Though a late, I know him to be a very sincere, convert to the expediency of universal suffrage; and he is too honest in his politics to suffer them to be influenced by any considerations of private friendship."

† Many solicitors, still alive, have said to Mr. Le Dieu (Mr. Bickersteth's clerk), "I should like to give your master business, for I hear he is a very rising man, but he is such a Radical I can't, for fear I should offend my clients."

The letters written by Sir Francis Burdett to Mr. Bickersteth, soon after the Westminster Election above mentioned, evidence the terms on which they were together.

Derby, July 25th, 1818.

"DEAR BICKERSTETH,

"Be so good as to send the writer of the enclosed one of the speeches, if they are published; also send some directed to me, Kirby Park, Melton Mowbray, Leicestershire, where I shall go to-morrow, and stay a few days.

The meetings are doing good, and well-conducted.—I wish you were here, to bring back the colour to your cheeks, and get off the lawyer's tinge. So Jeremy is addressing D. *Sad*mouth,—he forgets that 'Fools rush in, where angels fear to tread.'

Adieu, yours truly,

F. BURDETT.

Have you seen Scrope, Kinnaird, &c.?"

Ramsbury Manor, July 31st, 1818.

"DEAR BICKERSTETH,

"In the name of Scrope, Hobhouse, and Kinnaird, when may we expect your advent? When will you cast off Beelzebub, who, Hobhouse informs me, is the god of flies, and be made whole? putting off corruption for incorruption, and the fœtid breath of the Court of Chancery for the pure air of the Downs, and the refreshing streams of Wilts, where trout are caught almost as easily as clients, and find it quite as fatal. All join in one voice, for these three are, in this case, one,—and all say, Come, come! Yours truly,

F. BURDETT."

The letter dated 15th of October, 1818, enclosed one from Jeremy Bentham, which has never before been printed; it is written in one of Bentham's pleasant veins, and is offered as an addition to his correspondence.*

Ramsbury Manor, Oct. 15th, 1818.

"DEAR BICKERSTETH,

"I cherished the hope of your return as long as

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* Burdett had a higher opinion of Bentham than that great philosopher had of him. In one of his letters Bentham writes, "Sir Francis Burdett is still on my hands for a dinner he has been wanting to give me, any time these six weeks, offering to have anybody I will name to meet me. In real worth he is far below those others [Sir Samuel Romilly and Henry Brougham]: but being the hero of the mob, and having it in his power to do a great deal of harm as well as a great deal of good, and being rather disposed to do good, and, indeed, having done a good deal of good already, must not be neglected."

I could, and now reconcile myself to disappointment, by that having been prevented by another more important, *viz.* of business. If you could run down to a Saturday's dinner, and stay over Sunday, it might do you good; pray recollect, what you are very apt to forget, none can be done without health, to yourself or others. I enclose the first epistle of Jeremy's,—not lamentations, but exhortations; may he have the tongue of persuasion, and you the ears of profiting! All well, and all unite in kind remembrances. Yours truly,

F. BURDETT.

Bentham's letter ran thus,—

Q. S. P., Sept. 4th, 1818.

"RIGHT WELL-BELOVED, AND MY SINGULAR GOOD DISCIPLE,

"Your present is welcome, your invitation still more so. I hold it *in petto* against another season. At present, divers affairs concur in detaining me here beyond all power of emancipation; not to speak of that burthen which your commands have bound so fast upon my shoulders; that burthen, which, if it were alive, and Q.S.P. were Sinbad's island, I would call the old man of the woods, and you, for imposing it, Eurystheus, were it not, that in calling you Eurystheus I should be calling myself Hercules, a title of which any one of so many days' groaning would suffice to convince me of my unworthiness.

By what you say about 'sporting and folly,' I perceive that there are certain busybodies who have been giving loose to their tongues, not to say to their imaginations. What I may have said is, that I regarded sporting as unlawful, and against conscience, if performed without a licence, meaning, of course, from a hand competent to give such licence; adding (such was my indulgence) that upon the making out of a proper case, I should not be averse to the granting of such a licence. Such a case was accordingly made out; to wit, necessity on the score of health: and the licence was made out accordingly. The making so conscientious and pious a use of the fruit of the sin, forms in the case in question another and a distinct ground for such a licence. You see the circumstances under which the opinion is given; were it to be by ballot, I leave it to yourself to say to yourself what direction it might take.

You, who, by a dose of flattery, have already produced parliamentary reform resolutions, and are still, by the same means, continuing to produce the second part of the same tune, try your hand once more, and see whether you cannot produce what will last longer, and be worth more, a *History of Whiggism.* No tolerably plausible case can be made, to ground a licence for not writing it. The demand for it is most urgent; neither power nor inclination to be found anywhere else. Danger to worldly interest serious—true, supposing the author known; but this need not be,—by ballot, yea, even by ballot, it might be, and should be published. But when the fulness of time shall have been accomplished, then shall worldly affairs have been settled, and the summit of the hill of independence gained; then shall the seal of secrecy be broken, and the fame of the work shall go forth among all nations. Danger of pecuniary loss—

just possible, the case abstractedly considered; in the concrete, no; taking into account the facility of procuring collateral indemnity, for which I know those who would pledge themselves. If this should find acceptance at your hands, set Curate and Barber diligently to work to rummage the Ramsbury library, and lock up, if not burn, all books that contain in them any such cabalistic characters as $+ - = \surd$, &c., they are inventions of Belial, no less dangerous to public spirit than even Amadis de Gaul, or the History of Rodomonte to mental sanity. In no case can they be of any use to health; in no case can they be productive of any fruit meet for keeping the blood circulating in the veins of holy men. Sporting! the most egregious sporting is a work, not of folly but of wisdom, in comparison of the sin of *poring*—poring over any such dry trash, drier than any dry bones that Ezekiel ever saw or dreamt of. x, y, z, nay though there were ever so many dots over their heads, what nation can they lead into salvation? what worldly fame can they procure?

Farewell! May all necks be kept unbroken, and all guns unburst, so long as such good use is made of them.

J. B.
Hermit of Q. S. P."

So highly was Mr. Bickersteth esteemed by his friends that in the year 1819 he was offered, through the Hon. Douglas Kinnaird, a seat in Parliament, and to be brought in without expense, but, to their great surprise, he declined. Upon the subject he writes, in his private

Diary, an explanation which so clearly shows the high principle by which he was ever actuated, that it would be unjust to his memory to omit it:—

"If I were rich I should be glad to accept it, and, being somewhat of an enthusiast, though far less vehement than in former times, it is probable that being once engaged in politics, I should be earnest in the pursuit; but my poverty will not permit me to devote my whole time to politics, and I cannot consent to be a mere political adventurer, or to form a plan of making my parliamentary duties a secondary consideration, or subservient to my profession. I am, therefore, determined to remain as I am."

CHAPTER XXV.

TRIAL OF SIR FRANCIS BURDETT.—LETTER TRANSMITTED THROUGH MR. BICKERSTETH.—SKETCHES OF THE POLITICS OF THE TIME.

IMMEDIATELY after the Manchester Riots in August, 1819, Sir Francis Burdett addressed a letter to his constituents, the electors of Westminster, strongly reprobating the conduct of the armed force at Manchester, and urging the electors to call a public meeting. It was enclosed to Mr. Bickersteth, and in the envelope he was simply requested to convey the letter to Mr. Brooks, the chairman of the old Westminster Committee.

The letter ran thus:—

Kirby Park, Aug. 22nd, 1819.

"TO THE ELECTORS OF WESTMINSTER.

"GENTLEMEN,

"On reading the newspaper this morning, having arrived late yesterday evening, I was filled with shame, grief, and indignation, at the account of the blood spilled at Manchester.

This, then, is the answer of the boroughmongers to the petitioning people—this is the practical proof of our standing in no need of reform—these the practical blessings of our glorious boroughmongers' domination—this the use of a standing army in time of peace! It seems our forefathers were not such fools as some would make us believe, in opposing the establishment of a standing army, and sending King William's Dutch guards out of the country. Yet, would to Heaven they had been Dutchmen, or Switzers, or Hessians, or Hanoverians, or anything rather than Englishmen, who have dared such deeds! What! kill men unarmed, unresisting! and, gracious God! women too; disfigured, maimed, cut down, and trampled on by dragoons! Is this England? this a Christian land? a land of freedom?

Can such things be, and pass us like a summer cloud, unheeded? Forbid it every drop of English blood in every vein that does not proclaim its owner bastard! Will the gentlemen of England support, or wink at such proceedings? They have a great stake in their country; they hold great estates, and they are bound in duty and in honour to consider them as retaining fees, on the part of their country, for upholding its rights and liberties: surely they will at length awake, and find they have duties to perform. They never can stand tamely by, as lookers-on, whilst bloody heroes rip open their mother's womb; they must join in the general voice, loudly demanding justice and redress; and head public meetings throughout the United Kingdom, to put a stop, in its commencement, to a reign of terror and of blood; to afford consolation, as far as can be afforded, and legal redress to the widows and orphans, mutilated victims of this unparalleled and barbarous outrage.

For this purpose I propose that a meeting should be called in Westminster, which the gentlemen of the committee will arrange, and whose summons I will hold myself in readiness to attend. Whether the penalty of our meeting will be death by military execution I know not; but this I know, a man can die but once, and never better than in vindicating the laws and liberties of his country.

Excuse this hasty address. I can scarcely tell what I have written; it may be a libel, or the Attorney-General may call it one, just as he pleases. When the seven bishops were tried for libel, the army of James II., then encamped on Hounslow Heath for supporting arbitrary power, gave three cheers on hearing of their acquittal. The King, startled at the noise, asked, 'What's that?'—'Nothing, sire,' was the answer, 'but the soldiers shouting at the acquittal of the seven bishops.'—'Do you call that nothing?' replied the misgiving tyrant: and shortly after abdicated the government.

'Tis true James could not inflict the torture on his soldiers—could not tear the living flesh from their bones with the cat-o'-nine tails—could not flay them alive. Be this as it may, our duty is to meet; and 'England expects every man to do his duty.'

I remain, gentlemen, most truly and faithfully, your most obedient servant,

F. Burdett."

It seems that Mr. Brooks was threatened with an action, upon which Sir Francis immediately addressed the following letter to Lord Sidmouth, acknowledging himself the writer, and sent a copy of it to Mr. Bickersteth:—

Cottesbrook, Aug. 28th, 1819.

" My Lord,

" Hearing your Lordship had applied to the gentleman through whose hands my address to the electors of Westminster was transmitted to the newspapers, to give up the author, and at the same time intimated that a refusal would subject him, as well as the editors of the newspapers, to a ministerial prosecution, I take the liberty, in order to save your Lordship further trouble, and also the gentlemen above mentioned from an unjust prosecution, to inform your Lordship that *I am* the author of that address in question, and, moreover, to assure your Lordship that, although penned in a hurry, and under the influence of strongly excited feelings, I can discover nothing in it, on a re-perusal, unbecoming the character of an honest man and an Englishman.

I remain your Lordship's most obedient and very humble servant,

Francis Burdett."

" Dear Bickersteth,

" To remove all difficulties I have sent the original of the enclosed to Sidmouth. I do not wish to be in town before the meeting, or at least, to have it known —like *Bobadil*, I don't wish my lodgings to become too popular.

I shall, however, come when *I can't help it* any longer. I can be in town any evening you write to me to come; I mean, the same day I receive your letter I can be in town.

Yours truly, F. Burdett.

Cottesbrook, Aug. 28th, 1819."

The letter to the electors of Westminster was interpreted into a libel, and Sir Francis received notice that the Attorney-General had filed an *ex officio* information against him.

The case was tried on the 23rd of March, 1820, at the Spring Assizes for Leicestershire, on a criminal information for publishing a seditious libel in that county, it being apparently considered by the Crown safer to try by a Leicestershire jury than a Middlesex one. There was a clear publication in Middlesex; but the assumption was that there was also a publication in Leicestershire, so as to justify a trial in that county.

The libel was in a letter written 22nd of August, 1819, by the defendant in Leicestershire; but it was not proved to have been delivered to any one in that county. Two days afterwards it was delivered to Mr. Brooks by Mr. Henry Bickersteth in an unsealed envelope without address, and without any instructions. This took place in Middlesex, where it was afterwards printed and circulated.

To find Sir Francis guilty on that information it was necessary to satisfy the jury that the libel was *read* or *seen* by some third person in Leicestershire. It was not shown how the letter was conveyed to London; whether by post or by private hand, so that the Court was obliged to hold that, if by post, it was evidence of a publication where the post-office was (though this was not shown to be in Leicestershire); if by private hand, it was delivered *open* to a messenger, or to Mr. Bickersteth in Leicestershire.

Any one of common experience would say that the libel must have been posted in the country in an enclosure addressed to Mr. Bickersteth, but the prosecutor did not venture to call Mr. Bickersteth, for this was to have disproved a publication to any one but himself in Middlesex. Mr. Bickersteth, however, would have been justified in refusing to answer the question, as it might have implicated him.*

After the examination of several witnesses,† and a long speech from Sir Francis himself, the jury, by direction of Mr. Justice Best, found the defendant guilty of a publication in the county of Leicester.‡

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* It was insinuated that as the letter was sent by Sir Francis Burdett to his friend, who was in the legal profession, that some blame was attached to him for forwarding it to Mr. Brooks, as he must have seen that it contained libellous matter, but surely he who argued after that fashion could have known little of the feelings of a gentleman; for what honourable man would read a letter, though unsealed, that he was requested to convey to another? If Sir Francis Burdett had written "Read the enclosed, and, if approved, forward it to Mr. Brooks," then some blame might be attached to Mr. Bickersteth, but he merely wrote in the envelope, "Forward this to Brooks;" and Mr. Bickersteth did so without reading or knowing a syllable of its contents.

† Among the witnesses was Mr. Samuel Brooks, who stated, that he lived at No. 101, Strand, London, and knew Sir Francis Burdett, and was acquainted with his handwriting. The paper shown to him came through the hands of Mr. Bickersteth, a professional gentleman; it was in an envelope which had been mislaid. He had formerly looked for it, but could not find it; it was not sealed; he did not look at the envelope to see if there were any post-mark on it; he could not recollect the day he received it; the envelope contained no directions to him, but merely to Mr. Bickersteth to pass it to him. When he received it, he supposed that it was intended that it should be published, he sent it to the several papers, and afterwards had seen it in "The Times." The letter was dated 22nd of August.

‡ Sir Francis Burdett in a letter to Mr. Bickersteth, dated Bath,

The case was argued on a motion for a new trial in Trinity and Michaelmas Terms, 1820,* when the Court decided † that the above-mentioned facts were evidence from which the jury might presume publication in Leicestershire;—firstly, because they might presume that it had been delivered to Mr. Bickersteth open in the county of Leicester; ‡—secondly, that posting a sealed letter inclosing the libel in Leicestershire would be a publication in Leicestershire.

Mr. Justice Bayley dissented from the other judges.§

At this day such an address to a member's constituents would hardly have been held a libel; and, certainly, not prosecuted. Sir Francis, however, was fined two thousand pounds, and imprisoned for three months in the custody of the Marshal of the King's Bench.||

Jan. 10th, 1821, says, "A gentleman here also mentioned the case of Astlet as one in point. He was, you know, convicted of purloining Exchequer Bills, and the fact proved; but a point of law arose whether or no, as Lord Granville, the auditor, had not put his name to them, they were Exchequer Bills. The judges heard the arguments, when ten were of opinion that they were; two dissented, and they have not ventured in consequence to call him up for judgment. 'Now,' says this gentleman, 'your case is the same; a point of law, after conviction, upon which the court is divided, and, in fact, only two judges to one, as Best ought to be considered nothing but his own advocate.'"

* It was argued on the 24th of April, 10th of May, 10th and 20th of June, 16th, 22nd, and 27th of November, 1820.

† February 3rd, 1821.

‡ Mr. Bickersteth, however, made an affidavit that he was not in Leicestershire during any part of the month of August, 1819.

§ The case is reported in 3 Barnwall and Alderson, 717, and 4 ditto, 95. The libel is set out p. 116 of the last report.

|| One day when Lord Langdale was talking of O'Connell's sen-

The following letters from Sir Francis Burdett to Mr. Bickersteth, written while the above prosecution was pending, are very interesting, as being admirable sketches of the politics of the day.

Busbridge, Oct. 21st, 1820.

"DEAR BICKERSTETH,

"I am getting fast well — have thrown away my crutches these two or three days; can lie down and sit up without cushions, &c.: and as soon as I am able to walk straight down stairs, *i.e.* using first one leg and then the other like a Christian, instead of going sideways like a crab, I shall consider myself quite well, though I must expect some weakness for a time in the ankles.

From what I hear, and from Tierney's conduct, I should suspect some juggle, such as you hint at: at the same time, Erskine, Lansdowne, Holland, Grey, and Carnarvon, have acted most honourably, and shown great ability; but the House of Commons' leaders are by far the worst of the party. Creevey behaved nobly.

tence, he said, "I do not consider it too severe. Formerly, and perhaps now, the course as to fixing the fine was this: Each judge of the court where the prisoner was tried wrote down a sum, and the aggregate of all the sums was then divided by the number of the judges, and the result was the fine imposed. In the case of Sir Francis Burdett, when he was convicted for his letter, after the riots of Manchester, when it came to Judge Best, who was the junior judge, and who, by custom, was first applied to, to name a sum, he named 20,000*l.*; this the other judges would not receive, and Best then named 18,000*l.*, then 16,000*l.*, which was still rejected, and so on till he came to 8000*l.*, and the other judges accepted the sum, put down ciphers after their own names, and divided it by four, and the result was 2000*l.*, which sum they fined Sir Francis."

Folkestone I was glad to see came out again. Lockhart blundered about a good thing or two that my friend Dr. Routh had put into his head.

I am persuaded that, supposing all true, the Queen had committed no treason, *i.e.* that the act in her is not treason; but supposing that so, what violation is there in the present proceeding of the 25 Edw. III! The two allegations appear to me to contradict one another.

How capital the detection of the other conspiracy and D. O'Brian! (what disgrace and shame!) oh! I forgot Hume, who did good service. Castlereagh's impudence is truly admirable; and by Hudibras's rule entitles him to everything, but such matchless sheer unmixed impudence I think was never exhibited, at least on this side of the water. Don't mention this observation when you remember me, which pray do, most kindly to our Evans. Castlereagh, like Autolycus, says by acts plainer than words, 'let him' call me rogue for being so far officious, for I am 'proof against that title, and what shame else' 'belongs to it;' but they can't get off so.

The Ministers cannot carry their business through. I am not sorry for being absent, the thing goes on so well. I think it advantageous that the cause shows so strong, and needs no aiding or abetting. How lucky Hunt being shut up! I think this a piece of good fortune for the Queen, of incalculable advantage. In short, nothing can be better: no one can deny that the expression of public opinion is clear, strong, and spontaneous.

I always make up my mind to the worst, I therefore look to imprisonment. There are too many old scores to pay off, 'péches mortels,' deadly sins, to be expiated, for them to quit a hold now they have got it: 'Vengeance is mine, saith the Lord,' as if it was too sweet a morsel for any one else; and the Minister's malignant villains—therefore I entertain little hope. Adieu—

'Fortem hoc animum tollerare jubebo.'

Yours ever, F. BURDETT.

I am rejoiced at your news from Italy. I am always in alarm."

Busbridge, Oct. 29th, 1820.

"DEAR BICKERSTETH,

"As you could not meet me at Hobhouse's, I gave up the scheme, and I am now going to Battel Abbey, Sir G. Webster's, where I am to meet Hobhouse, Cullen, Kinnaird, and, 'mirabile dictu!' the Duke of Sussex; it is inconvenient, but I think it may be good to go. I intend staying between that and Hastings, where Hobhouse will be, three or four days, and then to go into Derbyshire, having there a great task in hand in the exchange of considerable estates with my neighbour Sir G. Crewe, a matter of great importance and reciprocal advantage.

The Queen has fairly beat them in spite of her counsel, or rather advocates. Denman was bald, and confused, and not eloquent—*Lushington, excellent!*—Perhaps the best thing for the country would be that the Bill should pass both Houses; and I am by no means convinced that it will not; then for the tug of war!

I am well in health, but weak upon my legs;—I can, however, ride manfully, though in my walk I have but a shuffling gait. I suppose when Mr. Attorney has done with the Queen, he will turn to me, for I fear Evans speaks more from his heart than his head: remember me to him. Adieu! Yours truly,

F. BURDETT."

Battel, Nov. 3rd, 1820.

"DEAR BICKERSTETH,

"I am got quite well, only a little weak in the ankles. I have passed two pleasant days here. The Duke of Sussex really seems a liberal-minded, good-natured, well-disposed man, with a good deal of information. Hobhouse, Kinnaird, Cullen, and myself, besides Ellis, who professes Radicalism, and Sir Godfrey is little, if at all, short of it—here 's a party for you! I am to pass Saturday with Ellis, at Tunbridge, and shall, perhaps, come to town, not, however, unless you want to see me on Sunday; go to Whitbread's on Monday, and so on to Derbyshire, not forgetting Ashby pasture in my way to and fro. As I may be confined for two years, I may as well make the most of my liberty. I don't think you can want me at all in London, for whatever you and Evans think right I shall approve; and you know more about the matter than I do. Send me one line to Post Office, Tunbridge *Wells;* mind, Wells, not Tunbridge. I can't think much of Crown Lawyers' speeches; and had it not been for the defence they would have been literally without a colour to put upon their case; not that the Attorney was deficient in ingenuity—I think he showed a good deal, but in that which lawyers always are,—common sense, feeling, and judgment; the error of endeavouring to maintain all the blasted witnesses, and to blast all the decent ones on the other side, was of itself enough to take all effect from his speech. The Solicitor I thought worse, puerile, and the stupidity of his reply to Denman's allusion to the treatment of Octavia, which was happy I thought, and appropriate, quite ——, and of his so fitting the cap to the King's head, and declaring thereby, for the first time, him to have been the prosecutor. But breakfast waits. Adieu ! all desire to be remembered.

Yours, F. BURDETT."

Kirby, Nov. 29th, 1820.

"DEAR BICKERSTETH,

"I have just received yours and Hobhouse's letters, and will be in town to-morrow. Is it of any consequence the getting evidence of some of my jury having been asleep, and of one having not only slept, but himself said so?

Tell Evans he 's a glorious fellow! nor can I say less of Blackburn. Radicals for ever!

Yours, F. BURDETT."

In the following letter we see Sir Francis interesting himself, on public grounds, on behalf of a man who certainly had no other claim on his good offices.

Bath, Dec. 22nd, 1820.

"DEAR BICKERSTETH,

"Jones has been over and tells me he has written to you to come to ——; however, I have settled with him to pass the Christmas here, so hope you will come; it will do you good to get from smoke and noise. I found Lady

Burdett and all well. I am going out to Sir C. Bampfield, High Sheriff, to speak to him about Hunt; the treatment of him adds infamy to the sentence; the character of the individual has nothing to do with it—had he been the best man in England it would have been the same. It places the unconstitutional power of magistrates in a strong light—they make a sentence nearly what they please—But I am going a hunting, and the morning's fine. Adieu, all join in best regards.

F. Burdett."

CHAPTER XXVI.

DEATH OF MR. BICKERSTETH'S FATHER.—CHANCERY REFORM.—MR. TAYLOR'S MOTION ON THE STATE OF THE APPEALS. — PARLIAMENTARY COMMITTEES.— APPOINTMENT OF A VICE-CHANCELLOR.— COMMISSION OF CHANCERY INQUIRY.—EVIDENCE OF MR. BICKERSTETH.

IN May, 1821, Mr. Bickersteth's father died, and on the mournful occasion Mr. Bickersteth wrote the following touching letter to his mother:—

May 21st, 1821.

"MY DEAREST MOTHER,

"I cannot refrain from writing to you, and yet what can I say which your own feelings must not long ago have suggested? My father is now happy; and the greatest blessing which he enjoyed in this world was, that he was not bereft of you; and to you, my dearest mother, it must be a consolation, that during the whole of his life, you were a constant source of comfort and happiness to him, and that you were able to continue your unremitting attentions up to the last. However prepared, we cannot meet the final separation from those we love, without affliction, but I doubt not your fortitude and resignation; and as you have well entitled yourself to the constant gratitude and affection of all your children, you may feel confident that there is nothing about which they can be so anxious, as to contribute by all means in their power, to your ease and comfort. It is not necessary for any of us to make professions, but as soon as your plans are formed, I hope that you will afford us the opportunity of showing the sincerity of our wishes to facilitate everything you desire.

God bless and support you, my dearest mother, is the earnest prayer of your ever affectionate son,

H. BICKERSTETH."

Mr. Bickersteth is now to be considered in the light of a law-reformer. The great object of his labours was the correction of the faulty administration of the law, and of the defects of the laws themselves, but he chiefly devoted himself to the amendment of that branch which he had made his profession, thinking it would be better to remedy a part effectually, than to attempt a reform of the whole, which was beyond the power of any single man to accomplish.

It was from Bentham, as I have said, that he imbibed his opinions on this subject; but that great master left his pupil to work out as best he could, the remedies for the evils which had become intolerable grievances, for what grievance is so oppressive to individuals, or ultimately so dangerous to society, as that which arises from the denial of justice, or from the unnecessary delay and expense of obtaining it?

Delay and expense, when they reach a certain pitch, amount to denial; delay, even when it does not actually amount to denial, is most vexatious; and most clearly unjustifiable when it does not arise from want of time to procure those evidentiary matters which are essential to the due administration of justice, but from the deficient power and bad management of the establishment by which justice ought to be administered, when everything but the time and attention of the judge is ready.

At the period when Mr. Bickersteth was called to the bar, Lord Eldon presided over the Court of Chancery, and his indecision, his doubts, and his over-cautiousness, added to the various duties he had to perform in the cabinet, in Lincoln's Inn Hall, and on the woolsack, produced a chaos of confusion and an overwhelming arrear of business in the House of Lords and in the Court of Chancery. Hundreds of causes were remaining to be heard ; thousands of suitors had abandoned proceedings, and many were ruined under grievous oppression, merely because they were unable to afford the money or the time necessary to enable them to proceed. Even those who found the means and expended the money and time necessary to get their causes ready for hearing, were kept in suspense for an unreasonable length of time, uncertain whether they were thereafter to be rich or poor; many from the tardy steps of justice were unable to form or settle their plans in life, and were kept in a state of the most harassing wretchedness.

This is no overcharged statement of the miseries attendant on the suitors of the Court of Chancery, but a veritable picture of the then state of things: yet the Government permitted it to remain without remedy; and when Mr. Michael Angelo Taylor, who had been awakened to the evils, made his motion in the House of Commons, on the 7th of March, 1811, that a committee should be appointed to inquire into the state of the appeals in the House of Lords, and of causes in the Court of Chancery, his motion was opposed by the Government, and lost on a division. Mr. Taylor was beaten, but he was not subdued, and on the 17th of May following he again brought the subject of the delays in Chancery under the notice of the House, and moved that a committee be appointed to inquire the causes which have retarded the decisions of suits in the Court of Chancery; and he said, that if that were carried he should move for a committee to inspect the Lords' journals, in order to ascertain the state of appeals in the House.

Sir Samuel Romilly approved of the motion, and intimated that if it were lost, he himself would probably move for returns of the state of the Court of Chancery, which would produce some of the information which it was intended should be got through the medium of a committee.

Arising out of Mr. Taylor's motions in the House of Commons, a committee was appointed in the House of Lords for the purpose of adopting measures for the more expeditious hearing and decision of causes in their House, and it was resolved among other things, "That it was expedient, in order to secure at the same time sufficient attendance upon the House of Lords by the Lord Chancellor, and sufficient means for carrying on the business in the Court of Chancery, that an additional judge in the Court of Chancery should be appointed; and a bill for this purpose was accordingly brought in."

In consequence of this resolution of the House of Lords, Mr. Taylor, on the 5th of June, again brought on his motion for appointing a committee to inquire into the causes which had retarded the decision of suits in the Court of Chancery, the debate on which had been adjourned.* On a division the numbers were equal, thirty-six for, thirty-six against. The Speaker therefore decided for the motion, and a committee was accordingly appointed.

On the 18th of June the committee made a report, stating what arrear of business there was in Chancery and in the Appellate Court of the House of Lords, and what was the amount of the Chancellor's emolument, and from what sources derived. With respect to other matters, which they would have gone into had there been time, such as the inquiry into the causes of the delays, and whether the evil required a temporary or a permanent remedy, the committee required information, and had not been able to procure it.

The project, recommended by the Lords' committee, of making a third judge to sit in the Court of Chancery, which Bentham designated "a vile job," was abandoned for that session, arising, it seems, from the results obtained by the committee of the House of Commons.

It does not seem to have occurred to the Lords, in bringing in their bill, that there was a deeper-seated evil to be remedied than that they attempted to palliate; that the whole system was defective, and required remodelling; or perhaps they were of opinion "that the system was the best that human ingenuity could contrive for the perfect administration of justice." *

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* So anxious was Bentham for the success of Mr. Taylor's motion that he wrote to Sir Francis Burdett, urging him to be present on the day to which the debate was adjourned.

On the 26th of February, 1812, Mr. Taylor renewed his motion for a committee to inquire into the causes which have delayed the decision of suits in Chancery. The motion being unopposed, a committee was appointed. Some of the members suggested that the proper course to obtain the information which was required, was to examine the principal persons who practise in the Court of Chancery, and inquire of them what, in their opinion, and from their observation, were the causes of the delay. This was strenuously opposed by many members of the committee, who said, that so to proceed was to prefer a charge against the Chancellor; that it was putting the counsel who would be examined in a very invidious situation; that it was destroying the respect which ought to be preserved towards a magistrate at the head of the judicature of the country,

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* Such were the words of the late Sir Anthony Hart, afterwards Chancellor of Ireland, which he publicly used when at the bar. Lord Chancellor Eldon never even hinted that the system was in any way defective, but gravely asserted that the Chancery would have done very well if the Chancellor had not been so much withdrawn from his Court by his attendance in the House of Lords. It cannot be denied that the mode in which the judicial functions of the House of Lords are exercised is one considerable cause of the delays in Chancery; but to Lord Eldon, who was a determined enemy of every change, every improvement was odious because it was a change, and consequently no effectual reform could ever be accomplished while he held the post of Chancellor.

and to this it was answered, that it was very true that counsels and attorneys who practised in the Court would be put in a very unpleasant situation in being examined as to what might tend to censure the Judge of the court in which they practised; but there did not appear to be any other source of information which could be recurred to, and therefore that this must be submitted to; that it was singular that the friends of the Chancellor should take for granted that an inquiry from the persons best qualified to give information would necessarily criminate him; it would criminate him only if he were really to blame; and if he were, it was the duty of the committee to ascertain the fact. To bring the matter to an issue, Mr. Romilly moved that Mr. Richards, the senior counsel attending the court who was not in parliament, should be summoned to give evidence; but his motion was lost on a division.

In consequence of what passed in the committee, Mr. Taylor moved in the House that it should be an instruction to the committee to examine barristers and solicitors practising in the court, upon the subject of the delays, but the motion was rejected by a majority of eighty-four to twenty.

On the 16th of July the Masters in Chancery brought down from the House of Lords the bill which Lord Redesdale, with the concurrence of the Lord Chancellor, had brought into parliament for the appointment of a Vice-Chancellor. The effect of it was to enable the King to appoint a person, being a barrister of fifteen years' standing at the least, to be an assistant to the Lord Chancellor, and to be called the Vice-Chancellor of

England; his office to be held during good behaviour; himself to have power to hear and determine all causes and matters depending in the Chancery of England, as a court of law or of equity, or which should be submitted to the jurisdiction of the Lord Chancellor by the special authority of any act of parliament, in such manner and under such restrictions as the Lord Chancellor should from time to time direct; his orders subject to be reversed by the Lord Chancellor, or of the Master of the Rolls; and he to sit for the Lord Chancellor whenever the latter should require him so to do, and to sit in a separate court, either at the same time when the Lord Chancellor or the Master of the Rolls should be sitting or at any other time, as the Lord Chancellor should from time to time direct; and in such separate court to dispatch such business only as the Lord Chancellor should from time to time direct, and in such manner and form, and subject to such restrictions and regulations as the Lord Chancellor should from time to time see fit.

This bill was objected to by all legal reformers, on the ground that if any measures were taken for relieving the office of Lord Chancellor from some of the duties now belonging to it, there were other plans which had been proposed, much less objectionable than this, such as separating the office of the Lord Chancellor from that of the Speaker of the House of Lords, or taking from the Lord Chancellor the business in bankruptcy. Although several members spoke against the bill, it was nevertheless read a first time; the Government, however, did not persevere in it then, as it was so late in the session, but declared their intention of bringing it forward in the next. Accordingly, on the 1st of December, Lord Redesdale again brought into the House of Lords the Bill for creating a Vice-Chancellor, which was read a third time in the Commons, and passed, on the 11th of March, 1813.

The great objection to the bill, as urged by its opponents, was, that there was the greatest reason to apprehend that thenceforward the office of Lord Chancellor would be much more a political than a judicial office, and the bad effect that would be produced on the profession, and on the administration of justice, by such a change in the highest judicial office.

The appointment of the Vice-Chancellor by no means answered its object. Sir Thomas Plumer, the then Attorney-General, was appointed to the new office, but he was much slower in hearing causes than the Chancellor himself.

As had been foreseen by all who had legal reform at heart, the enormous grievances and evils in the Court of Chancery were not in the slightest degree removed by the appointment of a Vice-Chancellor; on the contrary, they were increased, and at length, this feeling became so general, that the Government appointed a Commission to inquire into the whole subject. The Commission met for the first time, on Saturday 26th June, 1824, and one of their first steps was to call before them certain barristers and solicitors of the Court, a measure which had formerly been refused as a personal affront to the Chancellor. Even now, Vice-Chancellor Leach, who proposed a plan of reform, considering that the

Commissioners had knowledge of their own sufficient to act upon, desired to proceed without any examinations of witnesses. His attendance on the Commission was, however, interrupted by his severe illness; and during his absence many witnesses were examined at considerable length.

In August 1824, Mr. Merivale, one of the Commissioners, proposed to examine Mr. Bickersteth, and asked him if he had any objection. On this occasion Mr. Bickersteth writes:—"I might have avoided the examination, as I should have been very glad to do; but on consideration it did not seem that I could properly refuse. I had attended to the subject—I was asked to give any information I possessed, and to withhold it, would not only have been inconsistent with my own notions of right, but would, as I thought, have been without excuse if I should afterwards disapprove of the report, and think fit to criticise it. How could I take upon myself to blame an error if I had previously 'refused,' or 'declined' to point it out? I therefore consented to be examined, and was accordingly summoned. The examination took place on the 6th, 11th, 13th and 16th of August, 1824. It stopped short, as I thought, very abruptly. I had a good deal to say on the Masters and their duties; and some of the evidence that I gave was imperfect, or only intelligible with reference to things intended to be said afterwards about the Masters, but which were not said, because there was no inquiry on the subject.

My evidence was given under the full persuasion that it would be offensive to the Judges and to the attorneys, and to me in every way prejudicial. I certainly exaggerated nothing, but at the first I heard of nothing but my wild and visionary schemes.

After a lapse of some time the case was very different. There were persons who thought that the evidence displayed an extensive and familiar knowledge of the subject of inquiry, and of the practice of the Court. After its publication I received many marks of attention and respect from strangers who had read it; and when reforms of the Court of Chancery were talked of, I found that I had become a sort of authority, and inquiries what I thought on the subject became very frequent."

Mr. Jeremy Bentham sent Mr. Bickersteth the following letter of thanks and praise for the evidence he had given.

Q. S. P. Feb. 9th, 1825.

"My dear Bickersteth,

"Words are wanting to express the degree in which I am edified, and more than satisfied, with your evidence—could I but live to see you coming forward in the Honourable House, Codification Bill in hand, I would consent to retire to bed instanter, and die singing 'Nunc dimittis,' while the cherubim and seraphim were waiting to carry me off in chorus: but the ossification which is going on will, I fear, be too quick for Codification. I felt more remorse than you could easily imagine at the thoughts of my having gone a whole day beyond the utmost length of my tether, liberal as it was. Though pressed for time most excruciatingly by other things, I have been led on insensibly to the making of memorandums relatively to little less than the whole;

nor could I refuse a sight to Mill, well assured that you could have no objection to its being seen by a man whose discretion and regard for you is so completely out of doubt. W. Coulson, in my own house, but without a pen, glanced over the first thirty or forty pages, but could not stay for more: these were all, except my own two myrmidons whom I employed in writing memorandums dictated, and copying two or three pages for my own use.

Yours most sincerely and thankfully,

JEREMY BENTHAM.

P. S.—I trust to you for informing me when you can be at leisure to come and pass the day as we proposed—your evidence should come with you: I long to see it in print, but I could not afford to trust to that."

It would occupy too much space to give the whole of Mr. Bickersteth's evidence, valuable as it is, in throwing light upon the practice of the Court. Two leading subjects may be sufficient to give an idea of its general character. I will first, take the subject of delays in Chancery. He stated—

"That many unnecessary delays, vexations, and expences, take place in the Court of Chancery, (omitting the consideration of the litigation which arises from the imperfect definition and consequent uncertainty of the law administered by the Court) which may be ascribed to the established process and practice of the Court, to the established system of pleading, and to the established mode of obtaining evidence. One cause of delay is in the preparation of the causes for hearing; but the greatest, and of which the suitors and the public have much reason to complain, is in the stage between the setting down the cause and the hearing. The suitors are then making a direct demand upon the Court of Justice, and every unnecessary delay which takes place, and is not occasioned by the parties themselves, is a violation of the laws, which forbid the delay of justice.

The delay in question principally arises from the inability of the Court to dispose of the business that comes before it, and which probably arises from the want of a sufficient number of courts or judges;—1st. From the non-application of sufficient time to juridical purposes;—2nd. From the state of the law and the mode in which it is administered;—3rd. He was of opinion that if the judges sat during as long a time as could be reasonably expected of them, and if they exerted all possible diligence during the time of their sittings in their present numbers, they would still be unable to keep down the business within those moderate limits within which it ought to be kept, consequently that the then number of judges was not sufficient to do the business which comes into the Court of Chancery.

He did not think that increasing the number of judges and dividing the subject of jurisdiction would be serviceable. There are some branches of law administered by the Lord Chancellor which seem to be in a great measure distinct from that which was the original and peculiar subject of his jurisdiction; and if the law was to be divided into many different branches, to be administered by different Courts, there might not be much difficulty in separating the distinct branches from the rest; but as a general proposition, it does not appear to be of advantage to divide the law into a great many separate branches to be administered by different jurisdictions. In England there are many such divisions, and the incompetence of judges to decide points of law which are not thought to fall precisely within the object of their peculiar jurisdiction has often led to much inconvenience.

He did not think that the transferring of the jurisdiction in cases of bankruptcy and tithes would alone sufficiently lighten the Court of Chancery so as to enable the then number of judges to get through the business. He thought that a considerable portion of time was occupied in the discussion of questions of form and practice; and, according to the length of time occupied, the Court is hindered from attending to causes which are ready for hearing; and he conceived, that when a cause is set down for hearing, and due time is allowed, there ought to be no delay, and that any accumulation of causes in that stage is a disgrace to the Court; yet he believed that an accumulation of arrears may begin and increase, notwithstanding the utmost exertion of a most diligent judge; and he has no right to hurry; but assistance ought to be obtained as soon as arrears begin to exceed a very limited account. A great accumulation appears to be a very great evil, and he thought that judges ought to be appointed to assist the Chancellor *toties quoties*, till there are sufficient to dispose of all the business before the Court. Objections may be made on the score of patronage and expense, and some may think it wrong to divide the duties of the great office of

Chancellor among several judges or courts; but all objections of that nature should yield to the pressing necessity of preventing delay in the administration of justice; that consideration must overbear all others. It was quite clear, that in a greater number of juridical days more business might be done; but as a general rule it might be held that six hours a day regularly devoted to the actual sittings of the Court would be quite sufficient, except on extraordinary occasions, for the most active and vigorous attention which the mind is capable of, is required; but it is important to the suitors that the minds of the judge, and of the counsel, should not be exhausted.

He did not approve of abridging the vacations; but whilst there is an arrear of causes, and the suitors are waiting for justice, he did not see how the shutting up of the court could be justified.* He thought that it was not enough merely to hear and decide causes, but that they must be decided upon such a patient and deliberate hearing as may afford a reasonable satisfaction to the parties and to the public that justice is done. To do justice, and to give birth to a persuasion that justice is done, are two very different things, which, if possible, ought to be united. The latter object cannot always be successfully accomplished, but the attempt should never be neglected.

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* Unlike too many other law reformers, Lord Langdale carried into effect, so far as was in his power, the measures that he had so many years before advocated. When he became Master of the Rolls he introduced the practice for an Equity Judge to hear causes during the long vacation. From his own appointment to that of the two additional Vice-Chancellors (a period of about six years) he regularly performed that duty alone; after the appointment of the Vice-Chancellors, an arrangement was made by which the Master of the Rolls and the three Vice-Chancellors, each in turn, devoted one vacation to the transaction of public business. In 1850 it was Lord Langdale's turn to perform this duty, and in consequence of the illness of the three judges of the Court of Chancery, the amount of additional labour upon the remaining two was enormous. On the death of the Vice-Chancellor of England (Sir Lancelot Shadwell) it was not deemed expedient to fill up the place, because the Act of Parliament had provided that a third Vice-Chancellor should not be a permanent appointment, and Sir James Wigram had not then resigned.

Speaking of the causes of delay which intervene between the hearing of the cause and the decision, they arose, he said, from the uncertain state of the law and doubts of the judge; and also from the occupation of the Lord Chancellor in many important matters which have no relation to the administration of justice in this Court. As a partial remedy for some of these he thought that before the case is heard it is the duty of the counsel for the plaintiff to be prepared to state distinctly what he thinks ought to be granted to him by the Court; and immediately after the cause is heard it is the duty of the Court to dictate the minutes of the decree to the registrar. The judge, however, must often have time to consider; but then he should dictate the minutes after the delay necessary for consideration.

He believed that much distress and agony of mind arose from delays in the administration of justice—that

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Owing to all these causes, at the conclusion of the regular sittings of the Court of Chancery, much business remained undisposed of, and Lord Langdale sat in his private room at the Rolls Court for many days, from ten in the morning till near six in the afternoon, to the manifest injury of his health.

many parties die after years of litigation, but before their rights are established; and that many suits end in compromises, by which some parties obtain advantages to which they are not entitled, in order to prevent the loss of the whole in costs. Cases have occurred within his own knowledge, in which the whole property sought to be administered in Chancery has proved insufficient to pay the costs of the suit, and in which the last question discussed in the cause has been how the deficient fund was to be apportioned amongst the different solicitors in part payment of their respective bills!

The subject of examination of witnesses in Chancery he considered the most difficult of any one of the subjects on which inquiry has been directed. The Court of Chancery has power to decide upon the fact as well as upon the branch of law which is administered by it. Having the power to decide upon the fact, it seems to be necessary to the due exercise of that power, that the fact should be presented to the Court in the best possible way, by the clearest and most unexceptional evidence. That the fact is not so presented to the Court, must be admitted; the only effectual way of examining a witness, so as to make his evidence produce the best possible effect on the mind of the judge, who is to decide according to the fact then brought forward, is to examine that witness in the presence of that judge; and as this is never done in the Court of Chancery, it seems to be deficient in one of the powers which it ought to have to enable it to decide in the best possible manner. The evidence upon which it does decide is taken in different forms in regular causes which are brought to a hearing; it is obtained in the form of depositions taken upon written interrogatories; but in interlocutory matters, and in matters which are brought forward by petition, the evidence is adduced in the form of affidavits; and though there are many occasions on which it is extremely convenient, and some in which it is necessary to receive evidence upon affidavits, yet the evidence of conflicting affidavits is the worst possible species of evidence which can be brought forward, being frequently the result of fraudulent conspiracies amongst interested parties to deceive the Court. When the evidence is obtained in the form of depositions in causes, those depositions are carefully concealed till a certain period, when they are published, and after the depositions are published, the rule is very strictly observed, that there shall be no further evidence adduced. Exceptions to that rule may occasionally take place under very special circumstances, which are always very carefully considered by the Court; but with respect to the very numerous matters which are decided upon petitions and motions, the evidence (which is given by affidavits) is published as soon as the affidavits are filed; and notwithstanding that publication, fresh evidence is from day to day brought forward of the same kind, one affidavit vying with another in continued succession. There seems, therefore, to be an inconsistency in the doctrine and practice of the Court in this matter. There may, perhaps, be good reason for adopting such different rules in different cases, and possibly there may be means of reconciling those apparent contradictions; but the principal question which always recurs is, how evidence in the best shape can be obtained in the Court of Chancery. The difficulty in considering that subject is extremely great; and any scheme which may be proposed for bringing the best evidence before the Court would, in its practical execution, bring with it a complete alteration of the whole constitution of the Court.

All partial improvements would leave the principal defect without remedy: the evidence which is obtained in the form of depositions on written interrogatories, however imperfect, is more valuable than the evidence which is obtained by affidavit—affidavits are generally voluntary, there are very few instances of persons being ordered to make affidavit. Parties are often induced to make affidavits by being told of the consequence that will follow their not doing so; and in this way there is sometimes a temptation to false swearing; but as a general position, affidavits are voluntary. They are deliberately prepared by the agent of the party in support of whose case they are to be produced; everything adverse to that party is carefully suppressed, and a false colour may be, and very frequently is given to all that is stated; whereas, if the witness is examined upon interrogatories in a cause, there is a process to compel him to submit to examination, and he must give unpremeditated answers to the questions which are put to him, and by that means the knowledge he possesses may be, though not in a satisfactory manner, extracted even from a reluctant witness.

He thought it impracticable, under the present constitution of the Court, that the Chancellor should have the power to examine a witness *vivâ voce*, on account of the time it would consume, and the difficulty, if not impossibility, of bringing witnesses from the remote parts of the country to give evidence in London."

Mr. Bickersteth was examined upon several other points connected with the Court and practice of Chancery; but the above will be sufficient to show his enlightened views on the subject.

CHAPTER XXVII.

RESULT OF THE CHANCERY INQUIRY COMMISSION.—SIR JOHN COPLEY'S CHANCERY REFORM BILL.—HE BECOMES LORD CHANCELLOR.—THE JURIST.—MR. BICKERSTETH APPOINTED A KING'S COUNSEL.—LETTER TO HIS BROTHER.—RAPID INCREASE OF HIS BUSINESS.—LETTER FROM BENTHAM.

THE evidence obtained by the Commissioners, and happily disclosed to the world, made the state of the Court of Chancery and of its subordinate offices, in many particulars, sufficiently manifest, and though the Report fell far short of the exigency of the case, it has, since the publication of it, become hopeless to attempt to preserve the old system of ignorance and delusion.

The Government, after this public disclosure, felt itself bound to do something upon the Report, and Sir John Copley, then Attorney-General, was instructed to prepare a bill to reform the Court of Chancery, and he immediately applied to Mr. Bickersteth, to know whether he had any objection to give him his opinion on the subject.

"I told him, none whatever," writes Mr. Bickersteth, "that I thought the subject of great public importance, and that any information which I possessed was entirely at the service of himself or of any one else who chose to ask for it, whether it was the Attorney-General or John

Williams: all that I could undertake for was that my answers would be the truth, as far as I knew it, without any tinge of politics or party. He seemed very well pleased with this, and intimated that he would communicate with me again, which however he did not at that time."

This happened in the spring of 1826, and in the autumn of that year Sir John Copley was made Master of the Rolls, in the room of Lord Gifford; he brought in a bill in the House of Commons, in the beginning of 1827, for the Reform of the Court of Chancery, in the framing of which he is said to have been assisted by Mr. Jacob, the Chancery barrister.

This bill, however, never progressed further, in consequence, perhaps, of Sir John Copley being soon after made Lord Chancellor, and created Lord Lyndhurst, when his thoughts and time were necessarily occupied in administering the law as it stood, rather than in preparing or suggesting plans for its improvement; he was then comparatively new to the subject, nor did he know the extent and complication of the evils which required to be eradicated.

Soon after Lord Lyndhurst's promotion to the woolsack it was understood that a number of King's Counsel were to be made, and several persons suggested to Mr. Bickersteth that he ought to apply to be made one of the number. On this subject he writes in his diary:—

"I had not the least intention of doing so, and had indeed never contemplated the existence of a state of things in which it would be expedient and right for me to do so, and when the application was first suggested I only laughed at it. After some time my old friend Bell called upon me, and at great length urged me by no means to suffer the occasion to pass; he represented it as certain that if I asked I should get appointed, and that if appointed I should succeed in my business. He made me think about it more seriously than I had done before, but he left me unconvinced; he afterwards enforced his purpose by a long and very friendly letter. About the same time M'Arthur hinted to me that he was sure the Chancellor was desirous to advance me, but that he could not offer it without knowing whether I would accept; and Holme* having added his advice, founded on what he called knowledge of my prospects, I was at last prevailed upon to write a note to the Lord Chancellor, and tell him that if promotions were made at the bar, it would not be agreeable to me to be passed over.

On the next day, being in court at Westminster, Lord Lyndhurst sent me down a note desiring to see me, and when I saw him in his private room, he told me that he should certainly recommend me to the King, but there might be a little delay; he wished me not to mention the subject in the mean time."

Lord Lyndhurst was true to his word, and in May, 1827, Mr. Bickersteth was made King's Counsel,† upon which he wrote the following letter to his brother:—

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* Mr. Bryan Holme, who first gave him any business.

† He was called to the Bench of the Inner Temple on the 22nd June, 1827; was "Reader" in 1835, and Treasurer in 1836.

"My dearest Brother,

"By way of news about myself, I just write to say that I have been made one of the King's Counsel, which gives me rank in my profession, and entitles me to wear silk instead of stuff, and a full-bottomed wig instead of a tie! It is thought an advantage, and perhaps may be so, but the risk is so great that I should not have ventured if I had given pledges to fortune; however, I hope the best, and am your ever affectionate brother,

Henry Bickersteth.

Lincoln's Inn, May 31st, 1827."

Mr. Bickersteth's success within the bar greatly exceeded his expectations, but his health was nearly sacrificed to neglect and mental labour; his business increased so rapidly that he successively gave up practice in the Committee of the House of Commons, in the Exchequer, and in the Privy Council, and Sir John Leach, then Master of the Rolls, having made the Rolls a permanent court, sitting in the morning, Mr. Bickersteth at length confined his practice wholly to that, though at some cost in the point of income.

Neither his dignity of K. C., nor increased business in the court, distracted him from his cherished project of law-reform.

The publication of the "Jurist," in 1827, was an era in legal periodical literature; until that work appeared, the science of jurisprudence was not represented by any regular organ of communication with the public, which was the more extraordinary, as almost every other branch of science had its subsidiary journal. The idea of producing a work which should investigate and explain the true principle of legislation, and the philosophy of the law, arose with Mr. Bickersteth and Mr. Joseph Parkes, who thought that there was a favourable opportunity for the appearance of such a periodical, and this was then the more necessary, as the Legislature, having turned its attention to the defective state of the national codes, and the anomalies of the judicial system, was about to propose various measures for their reform, which ought to be maturely weighed, frequently discussed, and subjected to the test of a minute and searching criticism.

Mr. Parkes undertook to draw up the prospectus for the work, and afterwards to be the editor of it, until some competent person should be found whose time was not so much occupied as his own; and Mr. Bickersteth, whose engagements prevented him from assisting Mr. Parkes with his pen, contributed five hundred pounds to set it going. The first number of the "Jurist" appeared in March, 1827, and Mr. Roscoe was appointed editor of it. He continued to act as such until his engagements and failing health prevented him from attending to the work, and it was deemed advisable to discontinue the publication, and start a new one, on an extended scale; and Mr. Edwin Chadwick, whose writings on penal laws and on a preventive police had lately attracted much attention, was applied to by Mr. Bickersteth to conduct the proposed new series, and arrangements were made to enable him to do so, chiefly at Mr. Bickersteth's expense.* The new series was to have been started with the support of the late Mr. James Mill, Mr. John Stuart Mill, the late Mr. Sutton Sharpe, and Mr. Bickersteth, as contributors and active supporters. The work, however, was not proceeded with, on account of Mr. Chadwick's engagements on the Poor Law Commission.

On the 18th of September, Mr. Bickersteth received the following letter from the veteran utilitarian Bentham, who never lost an opportunity of pushing law reform where he saw there was a chance of its succeeding.

Q. S. P. Sept. 18th, 1827.

"DEAR BICKERSTETH,

"I hear much, in particular from Mr. Grote, of your good dispositions and hopes in regard to law-reform; it would be a treat to me to have a gossip with you on that subject. I wonder whether you have seen or heard anything of my immense mass of Evidence lately dug up from the ruins of Herculaneum, where it had lain for twenty years, it being now printed, all but the index. In the fourth volume the system of technical procedure is more particularly dilacerated. I would have sent you, by this conveyance, this volume for the chance of your squinning it without a thousand pound fee;

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* My friend Mr. Chadwick, writing to me on this subject, says:—"Whilst Mr. Bickersteth had great zeal for the reform of the law, he had a deep impression of the labour which it required to reform it successfully, to do which, it must be advanced as a science. In his views, for its advancement as a science, it required undivided attention, and an amount of concentrated labour inconsistent with its practice as an advocate, or even with its administration as a judge."

but that at this time the chances seem to be against your existence within the reach of London smoke. Have you a copy of my never sold work on the Judicial Establishments [of France, A°. 1790 or 1791]? if not, I have one at your service; and the squinning of it would be a proper, if a possible, preparatory operation to ditto of said vol. iv. of Evidence. I would not willingly place our meeting at an infinite distance, but were it within the bounds of possibility, there would be no small advantage in your having previously to that event tumbled over both the said masses. Whenever this comes to hand if you will send an answer by a hand capable of being porter to the above, they shall be delivered to him, and by that answer you will perhaps be able to appoint a day on which, at a quarter after six, I may expect the gratification of taking you by the hand.

Yours ever, JEREMY BENTHAM.

I hope this will not be *void*. I find myself on the sudden destitute of all sendable paper but the scraps you see."

CHAPTER XXVIII.

NEW ORDERS IN CHANCERY.—LORD LYNDHURST'S SPEECH ON CHANCERY REFORM. — NATURE OF THE OFFICE OF MASTER OF THE ROLLS. — HOW DISCHARGED BY SIR JOHN LEACH. — SIR WILLIAM GRANT.— MR. JOHN TYRRELL.

In pursuance of the recommendation of the Chancery Commissioners in their report above referred to, the Master of the Rolls (Sir John Leach) prepared some new orders, which the Chancellor directed to be adopted, on the 3rd of April, 1828.

Mr. Bickersteth had been consulted by the Lord Chancellor in reference to these very orders, in the long vacation of 1827, and he had given his Lordship detailed observations in writing upon the whole of them, which were not very favourable to the adoption of the orders in question; and though Lord Lyndhurst admitted the force of all Mr. Bickersteth's objections, yet under the circumstances in which he was placed, he felt obliged to adopt the orders as drawn up by the Master of the Rolls.

Lord Lyndhurst watched the effect of these orders, and he did not seem disappointed in the discontent which was excited by them; his mind had been in some degree prepared for the result; and as his knowledge and experience of the Court over which he presided advanced, and as he became better acquainted with the vast complication of the subject, with the enormous extent of the private and corrupt interest adverse to all improvement, he saw there was more difficulty in effecting a reform than he had anticipated. He was forcibly struck by the enormous grievance which the suitors were suffering from delay after their causes were ready to be heard. He saw, with deep regret, its dreadful extent; and although it was but one among many subjects of complaints, it admitted of a separate remedy, which might be adopted without disturbing any private interest, corrupt or otherwise; and the remedy he proposed consisted of two parts: the appointment of an additional Judge, and an increased efficiency of the Master of the Rolls. He brought in a Bill for that purpose, in the Session of 1830, and the speech he delivered in the House of Lords when his proposal was made, forms an epoch in the history of the great Chancery question. For the first time the real state of the case was not attempted to be concealed; the Chancellor made a distinct and manly avowal of so much of the evil as the Bill was intended to remedy.

With respect to the proposed remedy there was very little difference of opinion. Very few persons, perhaps not any who understood the subject, ventured to say that the existing number of Judges could, by any exertion, or by any arrangement, dispose of the business with due celerity; and nobody imagined that the appointment of one additional Judge, assisted even by the best regulations for increasing the efficiency of the Judges, would remove all the grievances in Chancery: and all persons agreed that the Master of the Rolls ought to perform the full duty of an efficient Judge.

The nature of the office of the Master of the Rolls, may require a short explanation; but first I would give a brief sketch of the gentleman who filled the office at the period of which I am speaking.

For services rendered the Prince Regent in obtaining evidence to convict the Princess of Wales of adultery, Sir John Leach had been raised to the second judicial seat in the Court of Chancery, though neither his legal learning nor his judgment entitled him to such a mark of distinction; he had, however, acquired a reputation for a knowledge of legal principles, and the more refined subtleties of equity practice; and these added to large perceptive powers which involved a facility of disentangling knotty and complicated cases, were thought by the Prince Regent sufficient qualification for a judge of that lofty station.*

He first took his seat on the judicial bench appropriated to the Vice-Chancellor of England, and there he displayed an apparent aptitude for his office by a ready decision, which, contrasting strongly with the doubt, tardiness, and indecision of his superior judge, Lord Eldon, seemed much in his favour—though it must be confessed that he considered more the quantity than the quality of his judgments, which forced his chief to say, with sarcastic bitterness, that the cases were decided at the Rolls, but heard when they came by appeal before the Lord Chancellor, and this gave rise to the witty remark attributed to Sir George Rose, that at one Court there was *oyer sans terminer*, and at the other *terminer sans oyer*. His rapidity of deciding causes was a fatal mistake: for surely we ought not to measure the merits of a judge by the celerity of his progress without due regard to the satisfactoriness and efficiency with which he transacts his business. Many mistakes have been made on this subject; but it is obvious that the more efficient the time of a judge is when employed, the greater is the loss to the public when he fails to employ as much time as he ought to do in the exercise of his judicial functions.

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* See Lord Brougham's character of Sir John Leach, in his "Statesmen of the Times of George III. and IV."

On his promotion to the higher and better paid office of the Master of the Rolls, Sir John Leach affected to believe that it was a lighter and less responsible place, where he might enjoy the *otium cum dignitate*, and that it was conferred upon him more as the reward of past services, than of duties to be performed; but this notion partly arose from idiocrasy of mind, which made him readily believe whatever he thought, and confidently announce whatever he believed.

But in this, as many other instances, he suffered himself to be willingly deceived, because he saw more pleasure in indulging *dolce far niente*, and affecting the *nonchalance* of fashionable life; it never occurred to him that the Master of the Rolls possessed higher rank, larger emoluments, and great patronage, and that the public had a right to demand proportionate service.

In times comparatively recent, the Master of the Rolls has been invested with a separate, and in some respects, a sort of independent judicial authority in his own Court; but till very lately he has always been a judge-assistant to the Lord Chancellor in the Chancellor's Court. The Lord Chancellor being a political as well as a judicial officer, and being not only Chief Judge in Chancery, but also Chairman of the Supreme Court of Appeal, is necessarily often absent from his Court. On the occasions of these absences, the Master of the Rolls by the late, if not by the present constitution of the Court, was bound to supply the place of the Chancellor, and to decide causes or motions for him. On other occasions when cases of difficulty occurred, the Master of the Rolls, at the instance of the Chancellor, was to sit on the bench with him, and give assistance and advice on cases argued before both. In order that the Master of the Rolls might assist the Chancellor when present, or supply his place during occasional absence, it was arranged that during the sitting of the Chancellor the separate business of the Master of the Rolls should be transacted in the evening: and accordingly at those periods when the Chancellor sat, being the greater part of the judicial year, the sittings of the Master of the Rolls in his own Court were held in the evenings; and to prevent an over-burden either to the Master of the Rolls himself, or to the counsel who attended him after their morning's attendance on the Chancellor, those evening sittings were neither long nor frequent—in Term time not more than four hours three times a week. In addition to these evening sittings held during the Chancellor's sittings, the Master of the Rolls sat in the morning during some short intervals of the Chancellor's sittings, and also occasionally for the purpose of making orders and decrees by consent of parties; the whole amount of his sittings in the course of a-year scarcely exceeding four hundred and thirteen hours.*

Whilst the Master of the Rolls was continually liable to be called in aid of the Lord Chancellor, four hundred and thirteen hours in a year might have been thought a reasonable time of service in his own Court, and there is ground for believing that before the office was held by Sir William Grant,† the time of service was still less; but of late years the Master of the Rolls had wholly ceased to act as assistant to the Lord Chancellor, and neither sat with him to advise in cases of difficulty, nor supplied his place during his occasional absences: he used also occasionally to assist the Privy Council in the hearing of colonial appeals, but the performance of that service was considered optional, and it had then ceased.

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* The particulars of the computation on which this statement is founded may be seen in a Letter from a Barrister to Mr. M. Angelo Taylor, p. 21.

† This great man and eminent judge, the greatest, perhaps, that ever presided in the Rolls Court, was not celebrated during his career at the bar, for any of those extraordinary displays of eloquence or skill, which mark out the favourite advocate of the day, as the one calculated to fill the responsible and dignified office of an English Judge: he had but a moderate share of practice in court, and was not extolled as a first-rate chamber-counsel: his fame was better known in the legislative assembly,—there he was ranked among the first debaters of his day; and perhaps more severe and closer reasoning was never heard within the walls of the House of Commons.

His character as a judge was of the loftiest cast, calm, deliberate, and unwearied; he listened to the arguments of the contending advocates, with the severest patience, and not a point worth remembering was forgotten in his decision; but when his time came to speak—to pronounce his judgment—he who had sat passive and unmoved, poured forth a flood of judicial eloquence, that riveted every attention, and enlightened every listener; he was fluent, clear, luminous, and subtle—he displayed no vehemence, no declamation, no satire: it was a powerful and vigorous intellect making a solemn appeal to man's highest reason and understanding.

As the practice of sitting with and for the Chancellor became less and less frequent, the office of Master of the Rolls became gradually more and more easy, and the duty of the Master of the Rolls appeared, to himself at least, to consist in hearing causes and petitions in his own Court, at the then usual times, amounting in the whole, as above said, to about four hundred and thirteen hours in a year.

Considering the pressing wants of the suitors, the well-founded complaints of the public, and the necessity of providing some remedy, considering also that the Vice-Chancellor, with inferior rank, less pay, and far less patronage, sat in open court in the execution of his office, about one thousand hours in the year, it seemed to the Lord Chancellor (Lyndhurst) that the Master of the Rolls ought to render greater services than he did; that he ought to sit as long as the Vice-Chancellor, and attend to incidental matters arising in causes, as well as to the decision of causes and petitions, according to the usual routine of his office. Nothing could be more reasonable; but the proposal created no small ferment, and not only were various intimations given that the office had been accepted in the expectation that it would continue as easy as it had previously been, but on the 23rd of May, 1829, a formal statement, plainly emanating from the Master of the Rolls himself, was published in "The Times" newspaper. In that statement, after a very exaggerated and highly coloured account of the duties performed by the Master of the Rolls, the writer expresses himself as follows:—

"The office is conferred on the Master of the Rolls, by Letters Patent, upon the condition of the due performance of its ancient constitutional duties, and there is no regular or legitimate authority in the State which can deprive the Master of the Rolls of the advantages which belong to his office, so long as he effectually performs its constitutional duties: and the omnipotence of Parliament in this respect is necessarily limited by the immutable principles of justice, and the office of no such patentee has ever been abolished or even altered against the consent of the patentee, upon the alleged ground of public convenience, without making the patentee, if he declines to accept the new office, a full compensation in that behalf. Upon the present occasion, however, it does seem to have been in contemplation to change in a great degree the nature of the duties of the Master of the Rolls, and to aggravate his judicial duties without his consent."

Thus the personal advantages of the Master of the Rolls were held fatal to the adoption of a measure of great public importance; and whatever indignation may have been excited by the pretence of a magistrate that he had a patent right to perform less duties than the public service required, it is certain that in some quarters this extravagant notion obtained considerable attention.

Lord Chancellor Lyndhurst, after his bill was withdrawn from the House of Commons, however, attempted to obtain greater service from the Master of the Rolls by private arrangement with him, but the discussion terminated in the adoption of a mode of proceeding wholly disproportionate to the public wants, and in many respects very inconvenient in the transaction of business.

The Master of the Rolls readily agreed to change his evening into morning sittings, as it afforded him more convenience to gratify his devotion to fashionable life. He also added a small degree to the length of his sittings: thirty-seven additional hours in the year he considered a sufficient sacrifice to the public; it never occurred to him, or if it did, he never tolerated the thought, that merely for the purpose of allowing him greater ease and relaxation suitors must be kept in greater anxiety and suspense.

These remarks upon Sir John Leach's indifference to public business are not in the slightest degree intended as a reflection on his not performing his duties when incapacitated by ill health. Common humanity forbids us to urge an infirm man to the performance of duties which might endanger, or seriously prejudice his health; but a higher feeling enjoins us at all times to rescue, if we can, from their miserable anxiety, the multitude who suffer by delays in the administration of justice; the mere ease of an individual ought not therefore to be permitted to impede any exertion for that purpose. It is a defect in the English judicial constitution that no substitute has been provided for a Master of the Rolls when temporarily disabled from the performance of his duty, for when a magistrate of that high rank has performed the full duty of an active judge, both suitors and the public would willingly bear the greatest inconvenience, for the chance of regaining a magistrate whom they venerate and admire.

The veteran reformer Bentham still kept up his correspondence, urging law reform, the success of which he justly considered as in a great measure to depend on his friend, now fast rising to eminence, taking a prominent part in it.

Q. S. P. Dec. 7th, 1829.

"MY DEAR BICKERSTETH,

"I hope you will find it practicable to treat me with a visit on next Sunday, and that even an engagement, if not an absolutely unpostponable one, will not prevent you; so much depending on time, and on the preference of that to any subsequent Sunday.

It is not merely the revision of what I have written, but the part which I hope to see you take in a new measure of agitation for law reform, the success of which Tyrrell tells me will in no small degree depend upon your taking part in it. I will not do it any such injustice as would be done by an inadequate character of, and the promising state of it, and for anything like an adequate one I cannot spare time. Tyrrell, who enters into it most cordially, will be able, if you happen to come across him, to tell you more or less about it.

A line or two by return of 'twopenny' will much oblige, yours ever most truly,

JEREMY BENTHAM.

Burdett has promised to take a part in it. It is the forming a Law-Reform Association on the ground of my petition."

Mr. John Tyrrell, who is mentioned in the foregoing letter, was a mutual friend of the writer and receiver of it. He was the eldest son of Timothy Tyrrell, Esq., the late City Remembrancer, and brother of the amiable and accomplished man who now fills that office. On leaving Eton College where he was educated, he entered himself at Lincoln's Inn, and became a pupil of the present Lord St. Leonards, then practising as a conveyancer. He was called to the bar in Michaelmas Term, 1815, and commenced his legal career in that branch of his profession in which he became so distinguished.

He printed, in the year 1829, his able work entitled, "Suggestions sent to the Commissioners appointed to Inquire into the Laws of Real Property, with Minutes of the Evidence given before them." Many of his suggestions were adopted by the Real Property Commissioners, and he was shortly afterwards made one of the Commissioners, a step that may have increased his rank at the bar, but which considerably diminished his income from his profession, and impaired his health by the laborious nature of his duties. His incessant application to his office sowed the seeds of the complaint which carried him off in the prime of life, and the full vigour of his mental faculties.

He was in familiar and confidential intercourse with the leading men of the day interested in law reform, and was an especial favourite of Mr. Bentham, whose letters to him, now in the possession of his family, are replete with kindness and affection.

Mr. Tyrrell died on the 20th of August, 1840, without any children.

Lord Langdale wrote the following letter on his death:—

South Street, Aug. 22nd, 1840.

"My dear Sir,

"I have received your sad intelligence with the deepest regret. The loss of your excellent brother will be generally and most justly lamented, and the great personal esteem and regard which I so long entertained for him, make me sympathize, as I do most sincerely, with the sorrow which must be felt by his nearest connexions on this melancholy occasion.

I remain, dear sir, very faithfully yours,

Langdale.

To Edward Tyrrell, Esq."

CHAPTER XXIX.

RETIREMENT OF LORD LYNDHURST.—THE NEW MINISTRY.—MR. BICKERSTETH NAMED FOR THE OFFICE OF SOLICITOR-GENERAL. — CHIEF JUDGESHIP OF THE COURT OF REVIEW DECLINED BY HIM.—BARONY OF THE EXCHEQUER.—DECLINED BY MR. BICKERSTETH.—HIS ARGUMENT BEFORE THE PRIVY COUNCIL AGAINST THE CHARTER TO THE LONDON UNIVERSITY.

The Chancery Bill of 1830 was not passed, and in November of that year the Ministry was changed, and Lord Lyndhurst ceased to be Chancellor.

Speaking of Lord Lyndhurst's first resignation of the Great Seal, Mr. Bickersteth writes in his Diary:

"With him I never had any political relation, and about politics I had no communication with him; but with respect to reforms of the Court of Chancery he seemed desirous of knowing of what I thought, and of doing what on consideration appeared to him best and practicable—I spoke to him without disguise or reserve, he heard me without impatience, and without taking offence, and I incline to think that nothing but over-caution prevented him from doing much more in the way of reform. I have always felt grateful for the personal kindness which he showed me, and I am impressed with the idea that he sincerely meant well for the public.

"It was reported and believed by some that if he had succeeded in getting a new equity judge appointed he would have named me. I had no reason to imagine any such thing. Sugden, then Solicitor-General, was the most likely person, and if he had declined there were others who might properly have been preferred to me."

In the new Ministry, Mr. Henry Brougham had been appointed Lord Chancellor, and raised to the peerage; and it was currently reported that Mr. Bickersteth was to be made Solicitor-General: and there is no doubt of his having been named to that office by Lord Grey, but opposed by the new Chancellor, though he had known him many years as the friend of Bentham, as well as an earnest law-reformer, who had especially attended to the reform of the Court of Chancery, and who was in very considerable practice.

Mr. Bentham was in a state of great expectation on the occasion, imagining that Mr. Bickersteth was to be Solicitor-General, especially as the new Chancellor had written to him expressing an anxious desire to see him, and begging an early appointment for a dinner. He wrote thus to Mr. Bickersteth:—

Q. S. P. Nov. 1840.

"My dear Bickersteth,

"You will be more surprised than sorry to know that Brougham has invited himself to dinner here. He bids me name any day but Wednesday—Wednesday excepted for a reason that he mentions. I have named Tuesday, but there has been no time yet for me to have heard whether that day will suit him.

Some say *you* are to be Solicitor-General: others say *not.* If not I shall hang myself,—if yes, it will be of great importance that I should see *you*, before I see him; and in this case I hope you will contrive to look in upon me between this and then. Everybody must eat; and if you would come to-morrow at dinner-hour you could hear and speak without loss of time. Half-after seven is the time at which my dinner is generally on the table; but I would substitute any other hour that would suit you better—better later than earlier, if it is the same to you: not otherwise—you can depart with meat half masticated, if necessary.

If you are not to be Solicitor-General I know of no particular reason for our meeting before Brougham and I meet, and in that case you will I hope name some other day.

It delights me to understand from my dear friend Tyrrell that you and he are on such terms.

Yours ever, JEREMY BENTHAM.

Pray answer this as soon as convenient, and without waiting for twopenny."

Lord Brougham, however, took no more notice of the veteran law-reformer—much to his disgust.

It seems, from documents before me, that he never had a thought of recommending Mr. Bickersteth to be made Solicitor-General, for he had given out that he was a Tory, and was too much of a follower and admirer of Lord Lyndhurst to be trusted by the present Ministry; he, moreover, had strongly recommended Lord Grey to appoint Mr. Wilde, though his recommendation was not acceded to by the Premier. In the end, the Chancellor succeeded in getting Mr. Horne made Solicitor-General, who had formerly sat in Parliament as a nominee of a Tory boroughmonger, and who, if he had any politics at all, was a Tory.

Much as Lord Brougham had talked of and recommended law-reform, he did not, when he had the opportunity, take any active steps to forward it; unless, indeed, the Act for the establishment of a Court in Bankruptcy can be called his, and adjudged as a beneficial act to the community.

The Chief Judgeship of the Court of Review was offered to Mr. Bickersteth, but he refused the office because he wholly disapproved of the Court of Review, and would not take upon himself the responsibility of attempting to make it work.

In February, 1834, there was a vacant Judgeship in the Exchequer, and Lord Lyndhurst, who was then Chief Baron, was desirous that an Equity lawyer should be appointed, and by arrangement with the other Judges, be exclusively devoted to Equity business.

With this view the office was at first offered to Sir William Horne, then Attorney-General, and by him at first accepted; but difficulties that had not occurred to him were suggested by Sir John Bailey, the retiring Baron.

Considering the Acts of Parliament regulating the Exchequer and the recent Privy Council, it seemed doubtful whether the orders made by a puisne Baron always sitting, would be valid; an Act of Parliament might be necessary, and it might be difficult to reconcile the other Judges to an arrangement by which a Baron was exclusively devoted to Equity, and withdrawn from the circuit and the chamber business in town.

A little good management would, probably, have reconciled the Judges to an arrangement which was proper in itself; and there would have been no difficulty in procuring an Act of Parliament, if necessary; but the Lord Chancellor (Brougham) insisted that no Act of Parliament was necessary, and the Judges, consequently, became hostile to the measure. Sir William Horne exhibited no judgment in the matter: and, whilst he was negotiating and corresponding, the Ministers assumed that he had vacated his office of Attorney-General, and thereupon appointed Mr. Campbell to succeed him.

After this Lord Lyndhurst personally, but at the request of the Lord Chancellor, offered the vacant barony to Sir Edward Sugden, who is reported to have refused it with some scorn; declaring that he would never accept any office at the hands of a man with whom he so essentially differed.

It was, also, offered to Mr. Courtenay, Clerk of the House of Lords, formerly a Master in Chancery, and heir presumptive to an earldom, who it is said was not unwilling to accept it; but, be this as it may, other arrangements were made, which prevented Mr. Courtenay from taking the office.

In the mean time (Tuesday, 25th of February), Mr. Bickersteth was applied to through Mr. Sutton Sharpe, on behalf of Mr. Le Marchant,* to know whether it was probable that Mr. Bickersteth would take the Barony if it were offered to him, and he was told in answer, that he felt no inclination to hold it; and, upon considering the subject, he wrote the following memorandum:—

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* Now Sir Dennis Le Marchant, Bart.—then Lord Brougham's Secretary.

"Having long considered that an arrangement by which one judge of the Court of Exchequer should have his attention almost exclusively devoted to the equity business of that Court, would be beneficial to the public, I entirely approve of the attempt which appears to be now making to effect that object.

If the object could be attained without the appointment of a new or additional judge, it would be very desirable to do so, but there are considerable difficulties in the way.

The law as it stands enables the King, by warrant under his sign-manual, revocable at pleasure, to appoint any one of the degree of the coif to sit in equity when the Chief Baron is prevented from sitting by any unavoidable cause; and also on such days as the Chief Baron shall sit on the common law side of the Court in Term, or shall preside at Nisi Prius in London or Westminster after Term, or shall attend the Judicial Committee under the Privy Council Act.

The judge thus appointed could not sit in equity whilst the Chief Baron was on the circuit; and the suspension of his sittings during the circuits, and particularly during the spring circuit, would materially diminish the efficiency of his Court.

Supposing him to be fully competent to discharge the duties of a Common Law Judge, and to be employed with the other judges on the circuit, the nature of his duties under his special appointment would make him rather an equity than a common lawyer; and his main employment, when off the circuit, being to administer justice in a Court of Equity, he would, when on the circuit, be almost unavoidably considered inferior to the Common Law Judges, and the necessary consequences of such supposed inferiority would follow.

There is, I apprehend, sufficient judicial employment, distinct from the Common Law, in which the appointed Judge might be fully and usefully occupied during the circuits; but an Equity Judge, supposed to be incompetent to perform the duties of a Common Law Judge, and for that reason appointed, on the understanding that those duties were not to be required from him, could hardly accept the office without a resolution to retire, in the event of that understanding being violated, and his situation would be more uncertain than might seem consistent with the received notion of judicial independence.

The withdrawal of a Common Law Judge would seem also to occasion a difficulty in the transaction of the Common Law business during the circuits. According to the present arrangements and the common opinion, fourteen Judges are required on the circuits, and one Judge is required in town during the circuits, and the practicability of confining one Judge to the Equity business, and other business distinct from the Common Law, appears to depend on the practicability of effecting an arrangement satisfactory to the other Judges, by which the whole of the Common Law duties may be performed with equal benefit to the public without the assistance of the Judge who is withdrawn.

The efficiency of the Court of Exchequer as a Court of Common Law would be greatly increased by the Chief Baron being enabled to devote the whole of his judicial time to it; but if the other Judges disapprove of the proposed arrangement, or object to the additional labour or expense which may be thrown upon them, it is easy to foresee the discontent and unpleasant feeling which might arise, and the sort of reflection which would be made on the Administration by whose influence the arrangement was effected.

For myself, I have no idea that an arrangement distinctly expressed and entered into with a Judge on his acceptance of such an office would suffer any risk of being departed from; and the seeming uncertainty in the situation of the Judge does not occur to me as a serious obstacle: but I could not undertake the duties of a Common Law Judge, nor accept an appointment under an arrangement by which a Common Law Judge was withdrawn from his ordinary duties, as they are now understood, in a manner unsatisfactory to the other Judges.—Feb. 26th, 1834."

Two days after the above memorandum had been written, Mr. Le Marchant called on Mr. Bickersteth and said that he was distinctly authorized by the Lord Chancellor to say that if he would accept the Barony it should be offered to him, and that he should also be made a Privy Councillor and Deputy Speaker of the House of Lords.

"After some conversation with Mr. Le Marchant," writes Mr. Bickersteth, "I told him that I had considered the matter with attention, and was resolved to decline the office, and I thereupon read to him the memorandum I had drawn up. Mr. Le Marchant, however, proposed that I should take time to consider, and particularly to consult Lord Lyndhurst; but I adhered to my refusal, and declined to take any time for consideration. At the request of Mr. Le Marchant I gave him the memorandum to show to the Lord Chancellor, with an injunction, however, to return it to me."

In the evening of the same day the paper was returned to Mr. Bickersteth with a note from Mr. Le Marchant, stating that he had read it to the Chancellor, as they went down to Westminster, and who appeared to give his full assent to the propositions it contained, and said, "This is very handsome of Bickersteth, very handsome indeed."

Upon Mr. Bickersteth's refusal to take the office, it was conferred on Mr. John Williams, on the 28th of February.

In April, 1834, the petition of the University of London for a charter was discussed before the Privy Council, and Mr. Bickersteth was counsel for the University of Cambridge. In the course of the argument he had endeavoured to show that degrees were titles of distinction derived from the Crown, and that they could not lawfully be conferred without the authority of the Crown. Whilst he was speaking, the Chancellor (Lord Brougham) interposed this question,

"Will you bear with me for a moment while I administer to you the same interrogatory which I administered to Sir Charles Wetherell? What is to prevent this joint-stock company, or call it what you will, from not merely giving certificates of proficiency, but assuming to confer degrees, except an act of parliament, which there might be some little difficulty in passing at present."

To this Mr. Bickersteth answered, "In the first place, the utter scorn and contempt of the world. They would be just as contemptible as any private individuals, who should, without warrant, take upon themselves to confer titles of honour. In the next place, if they should not be prevented from the derision to which they would expose themselves, they might, I presume, be called upon to show in the Court of King's Bench by what warrant they took on themselves to confer such distinctions; and, though this is a subject on which I speak with great deference, yet I conceive that if they were not considered too contemptible for any legal notice, they would be prohibited. For these degrees are titles of distinction and precedence; they flow from the Crown; they are conferred by authority derived from the Crown alone, and no set of men can legally assume the right of conferring them without the authority of the Crown. If they do so in fact, they do wrong, and make themselves amenable to the King's Courts. That is the answer I give to your Lordship's question."

This answer created no slight sensation in the upper circles* as well as at the bar. It was the common belief at the time that the Chancellor felt much mortified and galled at it; be that as it may, he certainly did not exhibit the slightest unfriendliness, disrespect, or want of cordiality to Mr. Bickersteth on the occasion; and it should be stated in reference to this subject that, at a subsequent period of his life, Lord Langdale, when alluding to that part of the speech in question, spoke of it with regret, and said, "That answer was too sharp, but I was provoked to give it at the time."

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* Lord Langdale often said that he thought his speech before the Privy Council on the petition to grant a charter to confer degrees by the University of London ultimately made him Master of the Rolls. The rebuke he gave the Lord Chancellor pleased everybody, particularly the King (William IV.), who disliked Lord Brougham; and his Majesty was also remarkably pleased with the speech on account of its prerogative tendency.

CHAPTER XXX.

DEATH OF SIR JOHN LEACH. — THE LORD CHANCELLOR OFFERS THE POST OF SOLICITOR-GENERAL TO MR. BICKERSTETH. — CORRESPONDENCE ON THE SUBJECT. — HIS INTERVIEW WITH LORD MELBOURNE. —HIS REASONS FOR DECLINING THE OFFICE.—RETIREMENT OF LORD BROUGHAM.—LORD LYNDHURST AGAIN CHANCELLOR.

On Sunday, the 14th of September, 1834, Sir John Leach, Master of the Rolls, died at Edinburgh; the Chancellor then was at the same place, and the next day he wrote to Mr. Le Marchant to offer the office of Solicitor-General to Mr. Bickersteth.

Mr. Bickersteth being absent from London on a visit to his friend, Sir Francis Burdett, at Foremark, Mr. Le Marchant wrote to him stating that the office of Solicitor-General would in all probability be vacant by the promotion of Sir Christopher Pepys to the Mastership of the Rolls, and that the Chancellor was anxious to have the vacancy filled by him, Mr. Bickersteth, as he was satisfied that he could name no one more acceptable to the King, the profession, and the country at large; and he further stated that the Chancellor had taken steps to provide him, Mr. Bickersteth, with a seat in the House of Commons.

Mr. Bickersteth, however, immediately determined not to accept the place, for he had no wish to hold any office, and least of all a political one; he therefore wrote the following reply to the letter he had received.

Manchester, Sept. 23rd, 1834.

"MY DEAR LE MARCHANT,

"I am greatly obliged by the friendly manner in which you have communicated to me the Lord Chancellor's proposal: and it cannot but be gratifying to me that my name should have occurred to him on such an occasion; but after giving the subject the best attention in my power, I think it necessary to decline the offer, and I beg the favour of you to inform him to that effect, in the way you think best. To you, who express so kind an interest in my decision, I would willingly explain my reasons at length, but I will not so far tax your patience, and shall only venture to add, that, considering the confidential nature of the office of Solicitor-General, and his political as well as legal duties, it does not appear to me that it can properly be accepted by any one, between whom and the Administration no political relation subsists, or without a direct communication from the first Minister, and a clear understanding with him as to the political and the legal measures of leading importance, the promotion or support of which would be required. I remain, &c.,

H. BICKERSTETH."

Mr. Bickersteth remained out of town until the 1st of October, and on his return to his chambers, he found that the Chancellor had sent several times to inquire after him, and had personally called twice that morning, and not finding him at home, wrote and expressed his regret that he (Mr. Bickersteth) had felt a difficulty in taking the office, and begged him to reconsider the matter, &c.; and shortly afterwards Lord Melbourne wrote as follows:

South Street, Oct. 1st, 1834.

"SIR,

"I hope that you will allow the great anxiety which I feel to have some conversation with you on public matters to plead my excuse for requesting, without any introduction, to see you at the earliest opportunity which may suit your convenience. I am told that you are expected in town to-day. We have a Council at two, after which I shall be in Downing Street until five. If this should prevent our interview to-day, I shall be happy to see you at any hour to-morrow.

I remain, Sir, yours, &c.,

MELBOURNE."

There was nothing in those two letters to induce Mr. Bickersteth, to alter his determination; it was clear the Chancellor did not think that he was sincere in his refusal of the office, he therefore wrote the following letters in reply:

Oct. 1st, 1834.

"DEAR LORD CHANCELLOR,

"I am afraid that I did not express myself with sufficient clearness. My intention was to say, that I thought it necessary to decline the offer which your

Lordship did me the honour to make. Your Lordship's note of the 26th ult., which I have just received on my arrival in town, seems to consider the question still open: I did not mean to leave it so, and as the lapse of time and subsequent reflection have produced no change in my views, my answer must be the same. I am perfectly aware of the chances which I relinquish, and must entreat your favourable interpretation of conduct which may seem very unwise. I remain much indebted to your Lordship for the kind and flattering interest which you have taken in me on this occasion, and remain, &c., H. Bickersteth."

His letter to Lord Melbourne ran thus:—

" My Lord,

" I am sorry that I am unable to do myself the honour of waiting upon your Lordship this morning—I shall be most happy to do so to-morrow, or at any other time that your Lordship may be pleased to name. Conceiving that I am indebted for the honour of your Lordship's notice to a communication made to me by the Lord Chancellor, I think it right to say that I have declined the offer made to me in that communication, and that, consequently, I shall not intrude on your Lordship's valuable time without a further intimation from your Lordship that you wish it.

I have the honour, &c.

H. Bickersteth.

Oct. 1st, 1834."

Lord Melbourne sent this reply immediately:—

Downing Street, Oct. 1st, 1834.

"Sir,

"I am extremely concerned to learn from your note that you consider the matter concluded by anything which may have passed with the Lord Chancellor. I can hardly expect to shake a determination which you express so decidedly: at the same time I wish to have an opportunity of explaining some matters with respect to which there may have been misconception, and for that purpose, if it be not inconvenient to you, I shall be happy to see you in South Street to-morrow at twelve.

I remain, &c.

Melbourne."

On the subject of these letters Mr. Bickersteth wrote thus in his Diary:

"On October 2nd I waited on Lord Melbourne at the appointed time. The first thing I said to him was, that I had come only to show my respect for him, and wished it to be understood at once that I had declined the office of Solicitor-General, but without any feeling of disrespect to him, or any dislike to the general policy of his Administration; that, on the contrary, I thought that *he* ought to be supported, and that if I knew a way in which I could properly render him service I should be glad. He expressed his regret at my determination, and rather in manner than in words, showed a wish to know my reasons. I said that I really hardly thought myself qualified for the office, and that I had a dislike to it, and probably could not have been induced to accept it under any circumstances, but that certainly the offer had not been made to me by the proper person. The appointment belonged to the First Lord of the Treasury and not to the Chancellor, and I considered it important to the interest of the public, as well as of the profession, that the appointment should not be made by the Chancellor, and that I, for one, would not have received it from him.

Lord Melbourne here intimated his understanding that Le Marchant had written to me not to make an offer, but only to sound me, and as I might be assured that any proceedings as to my appointment had his entire concurrence.

I replied that I anticipated that such would be the colour given to Le Marchant's letter, but that I could not construe it in that way; and as to any concurrence, it was, under the circumstances, out of the question, because the Chancellor's letter to Le Marchant must have been written at Edinburgh on the day after Leach's death.

Lord Melbourne then intimated, that now at least the appointment might be said to come from him, and thus my objection be removed.

To this I answered that, setting aside all the other reasons, I had so little inclination for the office that I should have some difficulty to prevail on myself to accept it under any circumstances.

Meeting Young* a day or two afterwards he expressed himself to be very desirous that Lord Melbourne should know the exact terms in which the offer had been made to me; at his request I allowed him to take Le Marchant's letter of the 19th of September, and the copy of my answer, for the purpose of showing them to Lord Melbourne. They were returned to me in the course of the same morning."

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* Lord Melbourne's Secretary.

On the 5th of October Mr. Bickersteth received the following letter from Sir John Campbell, then Attorney-General:—

Edinburgh, Oct. 2nd, 1834.

"My dear Bickersteth,

"From a correspondence I have had with Lord Melbourne and the Chancellor, I presume the office of Solicitor-General has been by this time offered to you. I am afraid my opinion may not have much influence with you, but I cannot help expressing my anxious hope that the offer may be accepted. It would be most delightful to me to have such a colleague, and I confess I am not aware of any good reason why your country should now be deprived of your service. I expect to be in London in about eight days, and I trust I may then find you installed.

Yours most sincerely,

J. Campbell."

To this he answered:—

"My dear Campbell,

"Allow me to thank you for your very friendly note, and to assure that the prospect of acting with you as my colleague and leader was among the strongest of the few circumstances which offered me any temptation to accept office. It would have been a great satisfaction to me to assist you in promoting legal and political reform, and I should not have feared any want of cordial and confidential co-operation.

Yours, &c. H. BICKERSTETH.

Oct. 9th, 1834."

Mr. Bickersteth received many other letters from his friends and well-wishers, urging him to take the office which had been offered to him, but he persisted in his refusal, as he felt that he differed essentially in his notions, both of political and legal reform, from the principal Judge in the realm, with whom he would constantly be brought in close and confidential connexion.

The fact of his having declined to take office, though friendly to the Administration, on the ground that his views were incompatible with those of the Chancellor, was commonly talked of in Westminster Hall; for the circumstances had been told by one of the Cabinet, who was desirous that the truth should be known and no false conclusions drawn on the subject.

I have been thus minute in my relation of the occurrences connected with this offer, as it has been more than once reported that the office of Solicitor-General was never offered to Mr. Bickersteth, but that he, on the contrary, had applied for it and been refused.

On Mr. Bickersteth declining the office, it had been given, by public rumour, to Messrs. Wilde, Hill, Spence, and C. P. Cooper, but, in the end, it was conferred on Mr. Rolfe, whom Mr. Bickersteth had strongly recommended to Lord Melbourne.

The Cabinet was dissolved in November, 1834, and Lord Chancellor Brougham, on the 21st of that month, made a short retiring speech, which was generally approved. It was noticed as a mark of unusual discretion in him that he had written it out and read it from a paper in his hand.

On the 22nd Lord Lyndhurst, in his robes of Chief Baron of the Exchequer, and without extraordinary attendance of his officers, was sworn in as Lord Chancellor. There was a very crowded attendance at the Bar, and among them was Mr. Bickersteth, anxious to show his deep respect to that talented nobleman, who had been thus a second time called to preside over the Court of Chancery.

CHAPTER XXXI.

SOLICITED TO BECOME A CANDIDATE FOR THE BOROUGH OF MARY-LE-BONE. — DECLINES. — HIS MEMORANDUM ON PLEDGES FROM CANDIDATES. — FORMATION OF THE MELBOURNE CABINET. — THE GREAT SEAL PUT IN COMMISSION.—MOTIVES ASSIGNED.—DISCONTENT OF THE PUBLIC AND THE PROFESSION.—MR. BICKERSTETH'S PROTEST AGAINST THE ALTERATION IN THE HOURS OF SITTINGS OF THE ROLLS COURT.

ON the evening of the 10th of December, 1834, Messrs. Grote, Warburton, Sutton Sharpe, and Joseph Parkes, called on Mr. Bickersteth to urge him to consent to be put in nomination as a candidate to represent the borough of Mary-le-bone, and it was not without some trouble that he got them to accept a refusal. On the 20th of the same month, the application was formally renewed by the following letter from Mr. Ivimey, as Hon. Secretary of an Election Committee.

"SIR,

"At a meeting of about one hundred and fifty vestrymen of Mary-le-bone, St. Pancras, and Paddington, in the borough of Mary-le-bone, held at Edward Street, Hampstead Road, the 18th of Dec., inst., J. Hume, Esq., M.P. in the chair, it was (among other things) resolved:—

'That, in the opinion of this meeting, two real reformers should be returned for this borough, in the event of a dissolution of Parliament. That the candidates shall possess the following principles, *viz.*, Shorter duration of parliaments, vote by ballot, and a thorough reform of all abuses in church and state. That a sub-committee should be formed to communicate with certain gentlemen (of whom you are one) to ascertain their sentiments and report thereon to the next meeting to be convened by the vestrymen of the above parishes.'

The sub-committee have thought that the best way of accomplishing the objects for which they have been appointed, is to forward to you the above resolutions, and to request your written answer thereto, addressed to J. E. Hovenden, Esq., 26, Gloucester Place, Portman Square (provided you are disposed to become a candidate). They will feel obliged by your reply on or before nine o'clock on Monday morning. They have directed me to add that they will be glad of a personal interview (after having received your written reply), in order that no misunderstanding may arise between you and them; and if you will name any time and place on Monday where they can see you, they will do themselves the honour to attend.

I am, sir, your most obedient servant,

JOSEPH IVIMEY, Hon. Secretary."

This letter was delivered to Mr. Bickersteth by Mr. Hovenden; the following note came afterwards, by a servant.

89, Chancery Lane, Dec. 19th, 1834.

"Sir,

"I find that one point agreed to at the meeting yesterday (about which I have already written) was that the candidate would be expected to vote 'for an extension of the suffrage.' By mistake this was omitted in the copying.

I am, sir, your most obedient servant,
Joseph Ivimey, Hon. Secretary."

In the afternoon Mr. Holmes and Mr. Shaw (two barristers and electors of Mary-le-bone, called on Mr. Bickersteth, as they had done about a fortnight before, and urged him to become a candidate, assuring him that his name had been received with much the greatest approbation at the meeting of electors, and that he could hardly fail of success. Mr. Bickersteth, however, persevered in his resolution not to come forward; but it occurred to him that he might possibly do some service by denouncing the demand of pledges, and with that view he wrote to Mr. Hovenden.

"Dear Sir,

"As I am not disposed to become a candidate for the honour of representing the borough of Mary-le-bone, I ought perhaps to abstain from troubling you with any answer to the letter from Mr. Ivimey which you delivered to me; but as an old and sincere friend of reform, I hope to be excused for expressing my regret at the course which is pursued by the sub-committee of electors.

The letter which you gave to me, and a note which I have subsequently received from Mr. Ivimey, being addressed to certain gentlemen—I know not how many—seem to be intended to obtain a pledge from each of those gentlemen, and at the same time to excite among them a competition of pledging. Now I conceive that no considerate man—no one qualified to represent any portion of his countrymen in Parliament—can enter into such competition, or consent to bind, or seem to bind himself by any pledge. Having for more than twenty years before the Reform Bill was brought into Parliament been a constant and earnest supporter of Parliamentary Reform, and having paid considerable attention to the details of the subject, I have no hesitation in saying that the Bill, as passed into a law, though a great and important acquisition for the people, does nevertheless contain many imperfections which ought to be removed; and I am of opinion that the popular rights may be still better secured than they are now, in a manner perfectly consistent with peace and order, and with that good government and wholesome restraint without which the nation cannot be tranquil and happy; and in order to obtain such increased security, it appears to me that several important measures ought to be adopted—not only the particular measures which in the resolutions communicated to me are described as principles, but some others which I think at least equally important. Such are my opinions on the subject of those measures. As these opinions have been carefully formed, and long entertained, they will probably govern my political conduct. They have stood the test of time and reflection; they have prevailed over many discouragements and many allurements, and I know of nothing likely to alter them. Nevertheless I should think it wholly inconsistent with honour and duty to become a candidate upon any sort of promise or understanding which did not leave me perfectly free to act as a representative in such manner as my discretion at the time might dictate. Pledges and promises are no security against the treachery of a knave; they would be fetters on the fair and useful discretion of an honest man, if he could be induced to give them. And if they were strictly acted upon, they might and would often defeat the honest intentions of those who imposed them. But in truth, pledges and promises of this nature can never be binding. The knave, of course, is always at liberty. But conceive an honest man bound by a pledge to vote for a particular measure, which at the time and season when it is brought forward cannot be supported without injury to the country! What is to be done? When the vote is required, is it to be governed by that which is the interest of the country at the time of the preceding election? The answer is obvious. The safety of the country is not to be neglected; the pledge must be violated, and the honest man desiring to do his duty, and preserve his honourable character, must break through the snare in which he had unwittingly involved his conscience. When he has done this, the same electors who imposed the pledge, will, if I correctly estimate their good intentions, approve of his conduct. But what man with his eyes open would willingly place himself in so painful a situation? The electors ought to acquaint themselves fully with the opinions of those whom they select for their representatives, and ought to be well satisfied that the candidates for their suffrages are men of untainted honour and character, possessed of appropriate knowledge and sufficient discretion. But they act against their own interest and the interest of the country, when, by the demand of pledges, they seek to put a restraint upon the free exercise of that discretion without which the nation can derive no benefit from the deliberation of Parliament.

I hope you will excuse me for giving you this trouble. Reasons totally distinct from the demand of pledges have induced me to decline the honour of being a candidate for the borough of Mary-le-bone; but I am anxious that the electors should make a good choice, and having received a communication from them, through you, I have taken the liberty of stating to you my reasons for thinking that the pledges of candidates do not, and cannot afford any security, and that they ought not to be required.

I am, dear sir,
Your very obedient servant, H. B.

Dec. 20th, 1834."

"Having written this letter, however," writes Mr. Bickersteth, "I thought it an egotistical affair, and could not make up my mind to send it; so I wrote a private note to Hovenden to tell him that I declined becoming a candidate for Mary-le-bone, and that although I had written to him some observations on pledges, yet on consideration, I did not think it right to trouble him with them, and should only express my regret at the course which the sub-committee were pursuing.

On the 24th I met Hovenden in Court, and as he expressed a desire to see what I had written about pledges, I afterwards sent him my letter, with a request that he would return it, which he accordingly did."

On the 21st Mr. Bickersteth dined with Lord Holland, and he met the Duchess of Bedford, the Duke of Devonshire, Lord Mulgrave, Mr. Poulett Thompson, Mr. Elphinstone, and Mr. Creevey, and he had some conversation not unsatisfactory with both Lord Mulgrave and Mr. Thompson.

"Lady Holland told me on this occasion," says Mr. Bickersteth, "that she would take care to remember my expression, that I had never been so nearly ministerial as in the time of Lord Melbourne."

The Parliament having met, Lord John Russell's resolution, on the 8th of April, 1835, relative to the funds of the Irish church, which was carried by a majority of twenty-seven against the Ministerial proposition, compelled Sir Robert Peel to resign the office of Premier, much to the annoyance and vexation of the King, who was greatly indisposed to any change in favour of the Whigs.

Earl Grey, however, was sent for by His Majesty, for the purpose of forming a new Administration or recommending to the King some other person capable in his opinion of executing that important trust; as that high-minded statesman did not approve of the step his party had taken to defeat the Ministerial measure, he humbly declined the proffered honour himself, and referred His

Majesty to Lord Melbourne as the person best suited to serve the Crown in the present emergency, and Lord Melbourne was consequently commissioned to form a Ministry.

The law appointments were, with the exception of the office of Chancellor, filled by the same persons who held them at the time when the Whig Ministry was displaced by the King himself in the preceding November.

Among the many serious difficulties which perplexed Lord Melbourne in the formation of his Government, it can scarcely be doubted that the most difficult of all was that which related to the office of Chancellor. The noble Lord who had been appointed to that office by Earl Grey could not be reinstated. The feeling of his former colleagues towards him made it impossible to consult with him in the Cabinet. At the same time his versatile and showy talents would make him a formidable opponent if passed over, and not wishing to give him offence Lord Melbourne adopted a scheming policy, not sufficiently considered, and not distinguished for courage. He deemed it expedient to the purposes of party to put the Great Seal in Commission. No rival Chancellor was therefore appointed; and the arrangement being announced as temporary and provisional, hope and ambition kept in check opposition, sarcasm, and eloquence, and maintained for the Cabinet the appearances of friendship.

On Thursday, the 24th of April, the veteran and talented Lord Lyndhurst had an audience with the King at Windsor, and delivered up the Great Seal to his Majesty, whereupon it was immediately placed in commission, and Sir C. C. Pepys, Master of the Rolls, Sir

Lancelot Shadwell, Vice-Chancellor of England, and Sir John Bernard Bosanquet, one of the Judges of the Court of Common Pleas, were appointed Lords Commissioners.

The commission for exercising the functions of the Great Seal excited the surprise and indignation of the profession and the public. The complaint had no reference to the personal competency of the Commissioners, who were, all three, men perfectly qualified for the duties assigned to them; but the objection was, that three judges who ought to have been sitting concurrently in other Courts, were withdrawn from their own offices to perform one, for which there were so many persons eminently qualified. It seemed to imply that their offices were sinecures and ought to be abolished, or else that there was little work for them to perform in the High Court of Chancery; but this latter position was known to be false, for there was an arrear of causes much greater in number than had existed of late. By this arrangement business was impeded, the interest of suitors neglected, and all those evils which some years before formed the reproach of those Courts, and excited universal censure, were flourishing in their former vigour. Nor was delay, which was so justly complained of, the only head of offence in this arrangement: there was an obvious anomaly in setting the Master of the Rolls to hear appeals from the Vice-Chancellor's judgment, and in appointing the latter judge to pronounce upon the decrees of an officer of superior rank in the constitution of the equitable tribunal. A practice more likely to lead to abuses, injurious to the suitor, and dangerous to the reputation of the judges themselves, could not be conceived.

The whole affair seemed inconceivable, unless it was done for the object of keeping the place open for Lord Brougham,* in the hope that the letter which he was known to have written to the King would, in time, have the desired effect of removing His Majesty's personal objection. But Lord Melbourne perhaps had other plans in view; he had been impressed with the necessity of extensive Chancery Reforms, which he had determined to carry out, and he was quietly taking the means of securing the assistance of the man whom he considered best fitted to carry them out, and that man was Mr. Bickersteth.

It was known to many persons that Lord Melbourne had said on going out of office in November 1834, that if he should ever return to power again he should certainly make Mr. Bickersteth Lord Chancellor; and when he did come into office, he wished to nominate him to that post, but there was a difficulty in passing over the Master of the Rolls and the Attorney-General, and that was the reason why the Seals remained so long in Commission. The Master of the Rolls had staunch friends in the Cabinet, who urged his claim, and the Attorney-General had been and was too useful to his party to be put aside.

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* In conformity with this idea it was confidently asserted that Lord Brougham was to work Lord John Russell's bill in the house of Lords, and if he succeeded, he was to receive the Great Seal; and it was currently reported that Lord Melbourne had, in conversation, sounded the King, in the December following, as to the policy of again delivering the Seals to Lord Brougham, expecting that his Majesty would at once interpose his veto, and thus take upon himself the responsibility of having refused; but the King is said to have replied,—"My Lord, it is for you, the head of the Government, to name whom you please, and submit your choice to me for my confirmation."

The Master of the Rolls, at the first sitting of his Court after his appointment as Chief Commissioner of the Great Seal, announced to the bar, that it would be convenient to the public and the profession, if he were now to state the arrangement which had been made for the dispatch of business in the Court of Chancery before the Lords Commissioners. It was proposed that the Court of the Lords Commissioners should sit two days a week, on one of which he should be under the necessity of being absent from the Rolls Court, but it was his intention by way of compensation to sit at the Rolls during the other five days in the week for an additional hour, from three to four o'clock; so that in point of fact the number of hours devoted to the dispatch of business at the Rolls would remain the same as before.*

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* It was said that the addition of one hour to the time of each day's sittings in the Courts of the Master of the Rolls and Vice-Chancellor removed all ground of complaint. The usual time of sitting in Court being five hours a day, it was thought that adding one hour to the time of each day, for five days in the week, would compensate for the loss of time occasioned by the abstraction of the sixth day. To those who know little about the matter, this may appear very plausible: whether you give five hours a day for six days, or six hours a day for five days in the week, you have the same number of thirty hours a week in Court, and it might without reflection be imagined that the time would be equally efficient in either case, but this would be a great mistake; the time employed in Court is not efficient for the transaction of business in proportion merely to its length, but in proportion to its length, and the

Upon this announcement Mr. Bickersteth immediately addressed the Court, respectfully deprecating the effect of the intended arrangement on the state of business in the Rolls Court. The additional hour to be given to the sittings there, he said, might not always be found effective. It must necessarily be taken from hours devoted by counsel to getting up their cases, or to consultations: and experience had proved that in proportion to the time employed by counsel out of Court in preparing for the hearing, were the rapidity and satis-

state of preparation in which the counsel come into Court; and the final disposal of causes, the number of satisfactory decrees pronounced, depends further on the time out of Court which the Judge bestows on the cases after argument. The due employment of time out of Court is, indeed, as necessary to the due administration of justice, as to the due employment of time in Court.

If, by the due employment of time out of Court, the counsel are fully prepared, if they know the facts and the law of their cases, and are able to refer to their documents, proofs, and authorities in an accurate and orderly manner, every minute in Court may be most usefully employed, and the Judge may, in a few hours, satisfactorily hear and understand cases which, if the preparation had been less, could not have been fully brought before him in a much longer time; and after the case is fully heard, whenever a difficulty arises, and this very often happens, the Judge must take time to consider of his judgment; the parties, however anxious (and at this period of their causes they are most anxious), must wait till that time is duly applied out of Court. It is therefore plain that the time of the Judge out of Court is necessary for the due administration of justice in Court; and that any neglect in the due application of such time will produce the most distressing delays. Thus it is clear that the arrangement was in no respect proper, and that every day of its continuance was an additional day of injury and oppression to the suitor, and to speak of a party, or merely political object as a justification of it, or even as an excuse or palliation, would be ridiculous, if it were not monstrous.

faction with which the business of the Court was afterwards dispatched. There was a list of causes amounting to two hundred and fifty waiting to be heard at the Rolls, while the number of appeals set down before the higher tribunal did not exceed twenty-five. That part of the duty of the Lords Commissioners did not seem to press, and perhaps, therefore, especially if the arrangement was temporary, it might be conveniently postponed. Besides it was presumed that his Honour would not sit as a Commissioner to re-hear his own decrees; and if so, the appeals from the Rolls would be made to the other Lords Commissioners, of whom one was a Common Law Judge, and the other the presiding Judge in a Court of co-ordinate or rather subordinate authority to the Rolls; such a course would in substance be equivalent to having his decrees as Master of the Rolls re-heard before his Honour the Vice-Chancellor, a species of appeal which being quite anomalous could hardly be expected to prove very satisfactory either to the public or the profession.

Dissatisfaction at the Ministerial measure of putting the Great Seal into Commission daily increased,—especially at the appointment of Judges already sufficiently employed with their own avocations, to discharge the functions of the Chief of the Court of Chancery,—and it was even complained of in the House of Commons, where it was asked whether it was a safe precedent to allow Sir C. C. Pepys, the Chief Commissioner—in point of fact Lord Chancellor—to sit in the House of Commons as Master of the Rolls.

The present Lord Chancellor, at that time Sir Edward

Sugden, issued a pamphlet on the occasion, in which the grounds of complaint were thus clearly and forcibly stated:—

"The important duties assigned to a judge sitting in appeal point to the necessity of appointing to the office not merely a competent person, but one in whom the bar has confidence, for if the judge has not the confidence of the bar, he will not acquire that of the suitors. The law as he propounds it, should be the rule for all. The great object of an appellate jurisdiction is at once to satisfy the justice of the individual case, and to keep the precedents uniform, and afford a standard for the inferior jurisdictions, and a sure guide for the practising lawyer. Whilst the law is unsteadily administered, no man at the bar cares to give a decided opinion, because he cannot depend upon the judge, and he justifies himself to the solicitors and the clients upon that ground. Everything upon which any possible doubt can be raised is thus forced into Court, and the very means adopted to insure safety in the particular case increases the general mischief, until the law, instead of a blessing, becomes a curse to the people. To the first judge of appeal in this country is assigned the highest station, in order to give to his decisions all the weight which power and dignity can add to their intrinsic merits. It is the homage which the state pays to the law. Such a judge may properly take all the aid he can acquire upon particular cases, but the law will not be satisfactorily administered unless his own opinion be the most honoured, and that he act upon it so as to preserve one uniform rule. Fixation in matters of law, above all things, tends to prevent litigation, and to make a people contented. Now, this requires a singleness of mind and purpose, a unity which is not to be hoped for where the Great Seal is put into commission, although where the first Commissioner is an Equity lawyer of reputation, to whom the others will defer, the mischief may be lessened; still it is a step injurious to the particular suitors, and to the general administration of the law. The Commissioners are suddenly brought together, and, as the appointment is for a temporary purpose, their decisions carry but little weight with them. It is known that they are judges of that court but for a day. They can hardly venture to do more than satisfy the exigency of the moment. Their successor may unravel much of their labours. It is not a light calamity to have the law of the country unsettled, and perfunctorily administered for several months. The putting of the Great Seal into commission is, therefore, of itself an evil; but this evil may be aggravated."

It requires a more minute knowledge of the principles upon which the administration of this branch of the law was provided for than the unprofessional reader can possess, to understand all the objections which exist to the practical operation of the Great Seal being in commission. These details Lord St. Leonards has furnished so accurately, that they can neither be misunderstood nor contradicted:—

"A century had elapsed since a Master of the Rolls had been appointed a Lord Commissioner. Of the four commissions issued since 1725, in two the Chief Justice of the Common Pleas was first Commissioner, and in the other two the Lord Chief Baron. The nature of the office of the Master of the Rolls rendered his appointment as a Lord Commissioner highly objectionable. In 1813 a Vice-Chancellor was created, inferior in rank to the Master of the Rolls, but co-ordinate with him in jurisdiction; each decides the cases before him, not subject to the control of the other. The decisions of either are cited as authorities which the other may adopt or reject, just as he thinks them well or ill-decided, and the Constitution has afforded a higher authority to rectify their errors, and settle the disputed points. This new appointment rendered it still more objectionable to appoint the Master of the Rolls a Lord Commissioner, and the objection would apply with at least equal force to the Vice-Chancellor. The present commission, your Lordship is aware, is constituted of the Master of the Rolls, the Vice-Chancellor, and a learned Common Law Judge. Does this conjunction remove the objection? By no means; for, as it was foreseen that if they sat in judgment upon their own decisions, they would hardly be prevailed upon to agree to a reversal, however necessary, an arrangement was made that one of the Equity Judges should sit with the Common Law Judge to review the decisions of the other Equity Judge. Now, no plan could be more open to censure. It has a tendency to place the two Equity Judges in a continual conflict—to induce them to affirm each other's decisions, from the dread of having their own reversed—or to reverse, in order to place themselves on a level with the other branch of the Court where reversals have already taken place. It is no answer to these objections that nothing of this sort may have occurred; that the characters of the learned judges afforded a sure guarantee that it would not happen; that a judge would disregard his judicial duty who should so act. I am speaking of human nature, and no man ought, unnecessarily, to be placed in a situation in which a conflict may arise between his duty and his feelings. In another view, the appointment is still more objectionable; for a reversal by such a tribunal carries with it no higher authority than the original decision; each was pronounced by a judge of coequal jurisdiction daily and concurrently exercised. The decision on the appeal, therefore, instead of settling the point of law, merely raises a contention between the two judges, who may still, in their several jurisdictions, go on deciding according to their respective opinions, until a permanent and paramount judge of appeal settles the point. It really is establishing a perpetual see-saw between the two, instead of a controlling power over both. I have assumed that the two Equity Judges in reality decide the appeals from each other's decisions, because, although each has the assistance of the same able and enlightened judge, yet, as he has had no experience in equity, I suppose that he would, in a great measure, be guided by the Equity Judge with whom he sits."

CHAPTER XXXII.

MR. BICKERSTETH'S MEMORANDUM ON THE COURT OF CHANCERY, DRAWN UP BY HIM FOR LORD MELBOURNE.

THE discontent felt at the new arrangement might have been mitigated, had the House of Commons and the public been aware that Lord Melbourne was then deeply considering the subject of Chancery Reform. He had sent for Mr. Bickersteth several times, and consulted with him on the matter; and, moreover, had requested him to draw up a statement of the evils attendant on the constitution of the Court of Chancery, and the best remedies to be adopted for their cure.

A memorandum of this transaction, in Lord Langdale's hand-writing, has fortunately been preserved.

"On the 10th of May and 20th of June [1835], interviews with Lord Melbourne, who in the end requested me to give him my opinion in writing of what should be done with the Court of Chancery, and in compliance with this request, I prepared and sent to him the paper, which at a long subsequent period was printed for the use of the Cabinet: at the time no notice whatever was taken of it.

Mill,* to whom I communicated the paper in confidence, was much pleased with it, and insisted that it would be treated as a state paper, and would not fail to produce considerable effect."

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* The late James Mill, Esq.

The following is a copy of the paper in question, which fully justifies the high opinion of it entertained by Mr. Mill.

NOTES AND SUGGESTIONS ON THE COURT OF CHANCERY.

JUNE, 1835.

" The evils which have constantly existed in the Court of Chancery, have arisen from various sources; amongst others, from the want of sufficient judicial power, coupled with the political character and occupations of the Chancellor.

The want of sufficient judicial power is apparent from the constantly existing arrears. No application of the Judges has, for many years past, been sufficient to keep down the business; for although the late Master of the Rolls (Sir John Leach) more than once disposed of all the causes ready for hearing in his branch of the court; and although Lord Brougham nearly disposed of that part of his business which was not sent to be heard before the Vice-Chancellor; yet the business before the Vice-Chancellor was greatly in arrear during the whole of Lord Brougham's time, and the judicial business of the Court of Chancery has never, at any time for many years past, been nearly cleared.

At the present time (June 1835) the accumulation of arrears is not quite so great as the long illness of the late Master of the Rolls, together with other reasons, had made it in the time of Lord Lyndhurst; but it is considerably greater than it was in the year 1812, when it was considered sufficient to make the appointment of a new judge necessary; and there are the strongest reasons to think that, unless some effectual remedy be provided, the arrears will go on increasing.

The delays in the Court produce the most grievous injury to the suitors and to the public. Those who consider how much the security of property and the happiness of all ranks of people depend on the due execution of trusts—the specific performance of agreements—the settlement of accounts—the administration of the estates of deceased persons—the guardianship of infants—the protection of the separate property of married women—and the various other subjects which fall within the jurisdiction of Courts of Equity, may form some notion of the vast importance of the Court of Chancery, and of the enormous suffering, the distress and ruin, and sometimes the madness, which ensue from undue or improper delays in the administration of justice there.

The delay has often been imputed, and sometimes not wholly without cause, to want of sufficient exertion on the part of the judges. But, in truth, in modern times, no exertion of the judges could have disposed of the whole business in due time; and it is always to be remembered that judges ought never to hurry. Great as are the evils produced by unnecessary delay, they are sometimes exceeded by those which arise from undue haste.

It is often imagined that during the delay great deliberation has been bestowed upon the case; some persons may conceive that the judgment is more likely to be correct by means of the delay, which, in fact, was unnecessary; at any rate, a judgment given after long and unnecessary delay is, nevertheless, consistent with the persuasion that the decision which it involves is right; but the decision which is rashly and hastily made, though it may be in itself correct, almost invariably produces a persuasion that it is wrong. Blundering efforts to proceed faster than is consistent with due deliberation, not only produce wrong, but give the appearance of wrong to that which may chance to be right, and tend to create a general distrust and dissatisfaction.

Whilst the Court of Chancery is in want of a sufficient judicial power, the Government is in want of a general and efficient superintending power over the various Courts of Justice, and of due information respecting their proceedings and situation, the Legislature is in want of such assistance as is required for the due preparation of bills brought in to vary or declare the law—the Lord Chancellor is engaged in a variety of inconsistent employments, and the judicial business of the House of Lords, of the Privy Council, and of the Court of Exchequer on the Equity side, and of the Court of Review in Bankruptcy, is conducted in an unsatisfactory manner.

All these matters are intimately connected with the question, ‘What ought to be done with the office of Chancellor?’ But on the present occasion it seems sufficient to make a few observations on—

1st. The duties which the Chancellor is now required to perform, and the propriety of separating them.

2nd. The specific objects which it is desired to effect by any proposed change.

3rd. The practical measures which may be thought proper to secure these objects.

1. DUTIES OF THE CHANCELLOR.

The judicial functions of the Chancellor are partly of original and partly of appellate jurisdiction. His political functions are not merely ministerial, but include the exercise of very extensive patronage unconnected with the duties of the office.

The following statement, though incomplete, is, perhaps, sufficient for the purpose now in view:—

The Chancellor is

1. The King's principal adviser in matters of law, a Privy Councillor, a Cabinet Minister, and great Officer of State, responsible in all matters, political and ministerial, which are connected with the custody and use of the Great Seal.	Ministerial.	Political.
2. Speaker of the House of Lords in its political and legislative capacity.		
3. Patron of the King's livings under the value of twenty pounds a year in the King's books.	Distributive.	
4. Appointer and mover of all Justices of the Peace.		

5. Judge of Appeals, as Speaker or Prolocutor of the House of Lords in its judicial capacity, the Supreme Court of Appeal for the United Kingdom.	Appellate.	Judicial.
6. Judge in Chancery, re-hearing the Decrees and Orders of the Master of the Rolls and Vice-Chancellor.		
7. Judge by the Common Law of various matters arising in the Petty Bag Office, or relating to the issuing and superseding of certain writs.	Original.	
8. Judge by prescription of matters determinable by the Court of Chancery as a Court of Equity, including the care of infant wards of Court.		
9. Judge in matters of Bankruptcy and various other matters, especially attributed to him by various Acts of Parliament.		
10. Visitor of Charities founded by the King, or as to which there is no special visitor, and the heir of the founder cannot be discovered.		
11. Guardian or Superintendent of Idiots and Lunatics and their estates, by special commission from the Crown.		

It is evident that no man can perform all the duties attached to the office above enumerated in a manner satisfactory to himself and to the public. The extent, variety, and importance of the business to be transacted, is more than sufficient to distract and overpower the most vigorous attention if attempted to be constantly applied.

And not only is the quantity of business more than one man can properly master, but some of the functions which the Chancellor is called upon to perform are incompatible with one another, and unfit to be performed by the same man.

The mind of a Judge ought to be in a state of the greatest possible calm and tranquillity; his cool and undisturbed attention should always be given to the case before him, and he should by no means be peculiarly liable to be agitated by political storms, or to be assailed by the importunities and solicitations which will inevitably crowd upon the possessor of great patronage. Neither ought the suitors to be subjected to the great expense and inconvenience which is often produced by the change of their Judge with the change of an Administration.*

Experience has, indeed, sufficiently proved the great inconvenience arising from the union of the political and judicial functions of the Chancellor, and has sufficiently shown the benefits which would probably arise from a separation of them.

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* *e.g.* Lady Hewley's Charity, heard before Lord Brougham and two Judges; again, before Lord Lyndhurst and two Judges—both hearings lost by change of Administration.

But further, the judicial functions which the Chancellor is required to perform are incompatible with one another.

The due administration of justice makes it necessary that the decisions of every Judge of original jurisdiction should be subject to re-consideration, not only upon a re-hearing before the same Judge, but also upon an appeal to another Judge or Court.

In the matter of Appeals, and Re-hearings, the Chancellor is in a very anomalous situation.

Strictly speaking, he is not a Judge of Appeal from the decisions of the Master of the Rolls and Vice-Chancellor, but he has a right to re-hear the cases in which either of them has made a decree or order, and under the circumstances which happen, the re-hearing is in most cases substantially an Appeal, and if not an Appeal, it becomes, by the production of fresh evidence, substantially an original hearing.

Strictly speaking again, the Chancellor, if a Peer, is no more than any other Peer, a Judge of Appeal in the House of Lords. The Appellate Jurisdiction is vested in the House, and every Peer has his voice and vote. But (if we except what is now passing), the other Peers will not attend, and in practice the Appellate Jurisdiction is exercised by, and is substantially vested, in the Chancellor alone.

Thus there have been in effect, two successive Appeals, one from the Master of the Rolls, or the Vice-Chancellor, to the Lord Chancellor in the Court of Chancery, and the other from the Lord Chancellor in the Court of Chancery to the Lord Chancellor in the House of Lords.

A double Appeal (being more than is requisite to secure the due and safe administration of justice) produces unnecessary litigation, expense, and delay, and an Appeal from the Chancellor to himself is a mockery. There are cases in which the Chancellor, in the name of the House of Lords, has reversed his own decisions; but this he might do in his own name upon a re-hearing in his own court, without the forms, the delays, and expenses of a pretended appeal to another court.

From these observations it would appear that the office held by the Chancellor would admit of advantageous separation into three classes.

1. The appellate judicial offices.
2. The original judicial or *quasi* judicial offices.
3. The political offices.

2. OBJECTS DESIRED.

The specific objects which it seems desirable to effect by any proposed change are as follows.

1. Sufficient original judicial power to keep down all arrears of original causes in the Court of Chancery, and at the same time, if practicable, to dispose of the equity business of the Court of Exchequer, and the business which is now committed to the Court of Review in Bankruptcy.

2. Sufficient appellate judicial power to keep down all arrears of appeals in the House of Lords as Supreme Court of Appeal, and at the same time to dispose of the appellate business now within the jurisdiction of the Judicial Committee of the Privy Council, and of the Chancellor of the Duchy of Lancaster.

3. Sufficient and appropriate political power to keep a constant and vigilant superintendence over the administration of justice, and to afford to the Executive Government and to the Legislature such regular and constant information respecting the state of the law, the proceedings and situation of all Courts of Justice, and the state of all matters relating to the administration of Civil and Criminal Justice, and such steady assistance in the preparation of all new laws, as may afford the best guide to safe and useful improvement, and the most secure check to rash and ignorant proposals of change.

3. PRACTICAL MEASURES.

With a view to the foregoing objects it would seem expedient—

I. To take away from the Chancellor all judicial power, leaving him (of his present duties) those which are indicated by the numbers 1, 2, 3, and 4, in the table.

II. To give to the Chancellor all such (if any) additional power as might be required to enable him to perform the duties which are implied by the functions indicated at No. 3 in the table.

Note 1.—The performance of the duties of the Chancellor or Keeper of the Great Seal after his office was thus altered would require a lawyer of the first abilities and character. He would be the King's principal adviser in matters of law,—the Minister responsible in all matters connected with the custody or use of the Great Seal,—the centre of all information respecting the state of the law, the judicial establishment, and the expenses and revenues of the Courts of Justice. He might be responsible for all judicial appointments. He would have to conduct or direct all such inquiries as during late years have been conducted by separate legal commissioners. On all subjects connected with his office he would have to make annual reports to Parliament and to answer occasional inquiries. He would have to peruse and report upon all bills proposing to declare or vary the state of the law on particular subjects; and to point out the mutual dependence or the inconsistencies, the policy or impolicy, of schemes from time to time suggested. The greatest part of his functions (though none of them judicial) would be more or less connected with the administration of the law; and all of them would be of vast importance. The possession of the office would be the highest political eminence which a lawyer could obtain, and the general welfare requires that this highest eminence should not be both political and judicial.

Note 2.—It might tend to reconcile the lawyers, and perhaps to diminish some considerable opposition, if it could be held out that the office of Chancellor thus modified, might be hereafter consolidated with some other considerable office, such as that of President of the Council.

III. To appoint a new Equity Judge (say a Lord Chief Justice of the Court of Chancery), to attribute to him all the functions indicated at Nos. 7, 8, 9, 10, and 11 in the table, and to transfer to him the Equity business of the Court of Exchequer.

Note 1.—The transfer of the Equity business of the Exchequer is not a necessary part of this proposal; for, considering how many persons there now are who are induced to incur great hazard and loss, and submit to compromises involving great injustice, rather than expose themselves to the delays and expense of a Chancery suit, it is certain that if causes could be more speedily heard, there would be many more *bonâ fide* causes than there now are; and although the *malâ fide* causes would be diminished, there are strong reasons for thinking that the business on the whole would be much increased, and that after the appointment of an additional judge it would not be very long before the judicial power of the Court of Chancery would again be found deficient. But it is certainly desirable to unite the different Courts of Equity under one system; and the occasion of appointing an additional Equity Judge seems a favourable one for accomplishing that useful purpose. The Court of Exchequer, as now constituted, is, as a Court of Equity, necessarily deficient, in consequence of the other occupations of the judges; and as a Court of Common Law, it is in some degree crippled by the Chief Baron or his substitute being from time to time called away to attend to the Equity business; and it is to be observed that in May, 1829, when Lord Lyndhurst proposed the appointment of a new Judge in Chancery, he also proposed that the Equity jurisdiction of the Court of Exchequer should be transferred to such new judge.—Hansard, N. S. xxi. 1282.

Note 2.—Neither is it a necessary part of this proposal that the new judge should perform the duties now performed by the Court of Review in Bankruptcy, but it is now almost universally admitted that the Court of Review ought to be abolished, and it is expedient to make immediate preparation for that event.

Note 3.—The rank of the proposed judge would have to be considered. It being proposed to transfer to him several duties which have heretofore been performed by the Chancellor, it is apprehended that considerable dissatisfaction would be occasioned if his rank was not high. The proper place would seem to be either immediately above, or immediately below, the Chief Justice of the King's Bench.

IV. To make a satisfactory arrangement for the proper hearing of appeals, and providing for the disposal of all Appellate judicial business, including not only that which is now nominally disposed of by the House of Lords, but also that which is disposed of by the Judicial Committee of the Privy Council, by the Lord Chancellor in his own Court, and by the Chancellor of the Duchy of Lancaster.

The importance and great want of such an arrangement cannot be doubted; but there will be great difficulty in accomplishing it.

The House of Lords, as a body, is manifestly unfit for the work, and yet would probably be unwilling to part with the jurisdiction. At the same time it must be admitted that the Chief Judge of Appeal (hitherto in substance the Chancellor alone) has possessed a much more imposing dignity, in consequence of his speaking in the name of the House of Lords; and it cannot be desired to do anything which the peers might reasonably think disrespectful to them, or derogatory to their authority.

The circumstances are embarrassing, and it is probable that several plans may be thought of and rejected before the most convenient and eligible is selected.

It seems obvious that a steady and effective Court of Appeal cannot be secured by relying on Ex-Chancellors, or on the occasional assistance of Judges who have other duties to perform; and, presuming that the supreme Court of Appeal ought to remain either in, or intimately connected with the House of Lords, it would seem to be necessary—1st, To appoint a Lord Chief Judge of Appeals in the House of Lords. 2nd, To assign to him, or to him and his co-Judges or assessors, a court or chamber contiguous to the House of Lords. 3rd, To enable the Judge, or Judges of Appeal, to sit, and hear, and determine Appeals, not only during the Sessions of Parliament, but during the ordinary judicial year, whether the Parliament be sitting or not, and even in the intervals between the dissolution of one Parliament and the meeting of another; and it would seem to be expedient, 4th, To leave all Peers at liberty to sit in the court of, and together with the Judge, or Judges of Appeal, but to make the decision of the Judge, or Judges of Appeal final and conclusive, whether other Peers are there or not.

Obviously the course of justice ought not to be impeded, or in any way affected by the political reasons which determine the Sessions, or the dissolution of Parliament. But supposing it to be agreed that a Lord Chief Judge of Appeals in the House of Lords should be appointed, and that a Court of Appeal should sit during the ordinary judicial year, there will still be considerable difference of opinion respecting the constitution of the Court and the assistance which the Chief Judge should receive.

1. The judge might be left to such attendance of other peers, and such right of calling for the opinions and advice of the judges (who are summoned as members of the King's Council in the House of Lords) as the Chancellor sitting in the House of Lords has heretofore been accustomed to. This would in practice concentrate the whole responsibility in the Judge of Appeals, and it would be by far the simplest, as well as the cheapest, and perhaps on the whole the best plan.

2. But some persons, even among those who have observed the Chancellor exercising the whole Appellate jurisdiction in the House of Lords by himself, not only without complaint, but with many and great advantages to the public, will nevertheless object to such high judicial power being almost undisguisedly placed in the hands of one man.* The objections to a single judge appear to me to be insignificant when compared with the many advantages which flow from the concentration of responsibility; and perhaps these advantages might be preserved under an arrangement which would remove some of the supposed objections, by providing the Chief Judge with constant advice and assistance in the following manner:—Let one Common Lawyer, one Equity Lawyer, one Scotch Lawyer, and one Civilian be appointed for the purpose, and summoned to attend the King's Council in the House of Lords. Let them not

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* Bentham, "Constitutional Code," 216—220.

be Peers, but called Lords Assistants, or Assessors of the Chief Judge, &c. Let them receive salaries, and make it their duty to attend the Chief Judge of Appeals during the whole of his sittings. Make the decision of the Chief Judge final and conclusive, but forbid him to decide till he has first heard the opinion of the Lords Assistants. This would still place the responsibility in the hands of the Chief Judge, but would secure the assistance of the others in the preparation of his opinion. On the other hand the Lords Assistants, not being responsible for the decision, and being only responsible to public opinion for their advice, might not be so cautious as they ought to be, and might by their conduct impede the business or lessen the authority of the judgment. Considering, however, that the Lords Assistants would be in an admirable situation to qualify themselves for the office of Lord Chief Judge, who would probably be selected from among them, the risk of such misconduct is not great.

3. Those who object to a single judge, either with or without assistants, will of course require that the Court of Appeal should consist of co-ordinate judges, and to satisfy them it would be necessary to give peerages and salaries to three or four competent lawyers, whose duty it should be to sit with the Lord Chief Judge of Appeals, and with him constitute a sort of quorum of the House of Lords for hearing and determining appeals by a majority of votes, or by the casting vote of the Chief Judge.

In any arrangement, popular objections would be made to the House of Lords being enabled to sit in its judicial capacity notwithstanding its adjournment for political and legislative purposes, and notwithstanding the prorogation or dissolution of Parliament, but it is as necessary to separate the judicial and political functions of the House of Lords as it is to separate the corresponding functions of the Chancellor, and if the House of Lords could be made a satisfactory and effective Court of Justice there seems to be no reason why it should not be always open and accessible; and it would seem that the object might be effected with due regard to the prerogative of the Crown and the dignity of the House, by passing an Act to enable the Crown, on an address of the House, to appoint one or more Lord or Lords of Appeal in the House of Lords, and give them authority to hear and determine appeals during the sitting of Parliament, and also notwithstanding the prorogation or dissolution of Parliament.

From the foregoing observations and suggestions it appears that the incompatible offices of the Chancellor cannot be properly separated, nor the business of the Court of Chancery properly provided for, without the appointment of at least two new officers.

1. An additional Judge in Chancery, having authority to hear and determine all those causes and matters of original jurisdiction which have heretofore been heard and determined by the Chancellor in the Court of Chancery.

2. A Chairman of the House of Lords when sitting in its judicial capacity.

But the additional Judge in Chancery might hear and determine the Equity business of the Court of Exchequer, and also the business now disposed of by the Court of Review.

The Chairman of the House of Lords in its judicial capacity might be made Chief Judge of Appeals, and with such a judge the House of Lords might be made an efficient and satisfactory Court of Appeal always accessible, and it might be reasonable to transfer to it the Appellate business of the Judicial Committee of the Privy Council.

And the Chancellor being relieved from his judicial business, might, as it is conceived, become an efficient Secretary of State for the affairs of justice and legislation, and secure to the country many incalculable benefits which, under the present arrangements, cannot be obtained.

The salary of the Chancellor is 10,000*l.* a year. The amount of his fees as Speaker of the House of Lords is variable; the highest of which there is any account was 7205*l.*; the average is said to be 4000*l.* a year.

The two sums together form a fund more than sufficient to pay the additional Judge in Chancery and the Lord Chancellor, as he would remain after the proposed change.

The salary of the Chief Judge of Appeals in the House of Lords would have to be provided; and if it should be thought expedient to appoint Assessors or Co-ordinate Judges, the expense would be proportionably increased.

It is hoped that what has been said will serve at least to suggest the topics which require consideration with reference to the office of Chancellor.

In a further examination of the subject, it would be useful to obtain the following official returns:—

1. A return of the number of re-hearings and appeals, pleas and demurrers, causes, exceptions, and further directions standing for hearing before the Lord Chancellor and the Vice-Chancellor respectively, on the first day of each term, and also on the last day of sittings after each term during the last ten years.

2. The like of the re-hearings, causes, exceptions, and further directions standing for hearing before the Master of the Rolls on the same days during the same period; and also of pleas and demurrers since the Master of the Rolls has heard them.

3. The like as to the same matters standing for hearing before the Chief Baron of the Court of Exchequer, or the Court of Exchequer on the Equity side, on the same days during the same period.

4. An account of the number of bills filed in the Court of Chancery in each year during the last ten years.

5. The like as to the Court of Exchequer during the same time.

6. An account of the number of appeals and writs of error standing for hearing before the House of Lords at the commencement, and also at the close of each Session of Parliament during the last ten years, distinguishing the English, Scotch, and Irish Appeals.

7. An account of the receipts and emoluments of the Lord Chancellor, as Speaker of the House of Lords in each Session of Parliament during the last ten years.

8. A Return of the number of sittings held by the Judicial Committee of the Privy Council since its establishment, and of the number of appeals heard in each of such sittings, distinguishing the Colonies or Courts from which such appeals were presented.

9. A Return of the number of appeals now standing for hearing before the Judicial Committee of the Privy Council; distinguishing the Colonies or Courts from which such appeals were presented; as Duchy Court of Lancaster, Court of Durham, Chester.

As it may be convenient to refer to the projects which have recently been formed on this subject the following references are added:—

1829. May 8.	Lord Lyndhurst's Bill for facilitating the Administration of Justice in suits and other proceedings in Equity. (Proposed new Judge.) Hansard's Debates, N.S. xxi. 1162. House of Lords' Papers for 1829, No. 41.
1830. March 22.	Lord Lyndhurst's Bill to facilitate the Administration of Justice in suits and other proceedings in Equity. Hansard, N. S. xxiii. 674. House of Lords' Papers for 1830, No. 47.
—— Dec. 16.	Sir Edward Sugden's speech in the House of Commons. Hansard, Third Series, i. 1268. His proposed Appeal Court, pp. 1277, 1278.

1832. May 12. Lord Brougham stated in Court that it had been his intention to sever the equitable jurisdiction from all political functions.

1833. July 12. Lord Brougham's Bill for appointing a Chief Judge in Chancery, and for establishing a Court of Appeal in Chancery.

Hansard, Third Series, xix. 613.
House of Lords' Papers for 1833, No. 128.

1834. Aug. 12. Lord Brougham's Bill to alter and amend the Appellate Jurisdiction of the House of Lords, and for certain other purposes.

Hansard, Third Series, xxv. 1255.
House of Lords' Papers for 1834, No. 225.

CHAPTER XXXIII.

MR. BICKERSTETH'S MARRIAGE.—HIS LETTER TO HIS BROTHER.—LORD MELBOURNE WISHES TO BESTOW THE GREAT SEAL ON MR. BICKERSTETH.—DIFFICULTIES IN THE WAY.—SIR C. C. PEPYS APPOINTED.—THE MASTERSHIP OF THE ROLLS OFFERED TO MR. BICKERSTETH.—CORRESPONDENCE AND INTERVIEWS WITH LORD MELBOURNE.—HIS OBJECTION TO THE UNION OF JUDICIAL AND POLITICAL OFFICES.—IS WILLING TO ACCEPT THE MASTERSHIP WITHOUT A PEERAGE.—CONTRARY OPINION OF HIS FRIENDS.—GENEROSITY OF SIR JOHN CAMPBELL.—MR. BICKERSTETH TAKES OFFICE.

On the 17th of August, 1835, Mr. Bickersteth married Lady Jane Elizabeth Harley, daughter of the Earl of Oxford and Mortimer, whom he had known from childhood. He announced the fact of his intentions to his brother John, when he wrote to congratulate him on the intended marriage of his brother's eldest daughter to the Rev. Lawrence Ottley, now Rector of Richmond, Yorkshire.

[July —, 1835.]

"My dearest Brother,

"I shall always be very glad to hear that any of your family are well settled, and from your account I hope that the proposed marriage of your daughter Elizabeth will conduce to her lasting comfort and happiness. Give my love to her, and beg her to accept the inclosed from her uncle to help her outfit. You may be surprised, and perhaps amused, to hear that your letter arrived almost at the moment when I had made up my mind to commit matrimony myself, so that there will be an old couple as well as a young couple, recently made such, in the family, for I am twice as old as your future son-in-law, and my intended is more than twice as old as Elizabeth. Lady Jane Harley is the person,—I have known her since she was seven years old, now more than thirty years ago. The affair is but just settled, and the particular arrangements are not yet made, though they soon will be, as I have no time to *dawdle.*

Yours ever affectionately,
H. BICKERSTETH."

Lord Melbourne's intentions being altogether unknown, the public and the profession began to lose patience at the delays of justice and the unnecessary inconvenience attendant on the Great Seal's being in commission. The press on the occasion teemed with pamphlets, letters, remonstrances, and even threats of a Parliamentary inquiry; and the Premier was compelled to take up the matter seriously; for he was addicted to the dangerous fault of procrastination. He saw that there were difficulties not only in filling up the office of Chancellor, but also in carrying out the legal reforms he considered necessary. He greatly desired, as I have already stated, to commit the Great Seal to the custody of Mr. Bickersteth; but he was unable to pass over the claims of the Master of the Rolls, which he would have gladly done if he had been able, for he did not like the phlegmatic character of the man. In spite, however, of his dislike, he found it advisable not to pass him over. The next difficulty he had to meet was the claim of the Attorney-General (Sir John Campbell) to the Mastership of the Rolls, which would be vacated by the promotion of Sir C. C. Pepys to the woolsack. The Attorney-General he felt could not so easily be put aside. His talents were unquestionable, his zeal and service to his party were admitted, and his friendship for him was great; but the chief obstacle to his preferment was his not being an equity lawyer. Had the vacant office been that of the Chief Justice of the King's Bench he would not have had a moment's hesitation in naming him to it; but he knew that giving him the Mastership of the Rolls would have been an unpopular promotion. He determined, therefore, even at the risk of losing the friendship, service, and support of the Attorney-General to give the vacant place to Mr. Bickersteth, conscientiously believing that he was the fittest man for it, and he accordingly wrote the following letter to him on the occasion:—

Panshanger, Dec. 25th, 1835.

"My dear Sir,

"After the conversation which I have had with you upon the important question of the Courts of Equity, and the able paper which you were good enough to communicate, you may possibly, and not unnaturally, be somewhat surprised at the long time which has been suffered to elapse without your hearing further from me upon the subject; but, I can assure you, that I have not lost sight either of the matter itself, or of your valuable and comprehensive views. If I recollect right, I have before told you that it appeared to me to be impossible for any Government to carry through Parliament a measure of such magnitude as the reformation of the Courts of Equity whilst the Seals were in commission; and I am well aware that it is your opinion, that the interests of the community are greatly suffering by the continuance of the present state of the judicature, and loudly demand its termination. The Cabinet have, therefore, decided upon taking his Majesty's pleasure upon the appointment of a Lord Chancellor; and having found, upon communication with the Master of the Rolls, that he is deeply impressed with the conviction that the time is come when it is absolutely necessary to consider both the equity and the appellate jurisdiction with a view to their speedy and effectual amendment, and that he is prepared to grapple with the difficulties of that question, I have offered to submit his name to his Majesty for the custody of the Great Seal. I have not yet received his final answer, but I entertain very little doubt that it will be in the affirmative, and, in that case, I should be very desirous of naming you to his Majesty for his successor at the Rolls. It is unnecessary for me to detail the reasons, some of them pertaining to yourself, some of them relating to the most fitting constitution of the Court, which have induced me to come to this determination, — suffice it to say, that my principal motive arises from the knowledge which I have of your deep sense of the primary importance to the community of the due administration of justice, from my conviction of your anxiety to remove errors and supply defects, and from my certain assurance that for these purposes you will lend to the Lord Chancellor and to his Majesty's Government your cordial and active assistance and co-operation.

Considering the general state of parties, and considering the great pending legal question, it is evident that we shall require your aid and support in Parliament, but whether in the House of Lords or Commons may be left for further consideration; I only wish to be informed whether you would be unwilling to accept a peerage, if it should be thought expedient for the present arrangement, or on general grounds, that you should do so.

The proposed arrangements are only known to the Cabinet, and to the Master of the Rolls, and it is obviously advisable to preserve strict secrecy.

Believe me, my dear sir, with great regard,

Yours faithfully,

MELBOURNE.

Henry Bickersteth, Esq."

Lord Melbourne's letter followed Mr. Bickersteth into Herefordshire, whither he had gone with Lady Jane to spend a few days with Colonel and Mrs. Scudamore at Kentchurch.

"Nothing could be more flattering or gratifying to me," writes Mr. Bickersteth. "If the judicial office alone had been offered, I think that I should have immediately accepted it; for though deeply impressed with a sense of the importance of the office of judge, and of the difficulty of performing its duties in an adequate manner, and far indeed from thinking myself competent to do all that ought to be done in the best manner, yet I was not without hope, that by constant care and pains-taking, I might be able to do at least as well as any other to whom, in case of my refusal, the office might be given; but the idea of giving assistance in Parliament made me seriously hesitate; and I wrote to Lord Melbourne as follows.

'My dear Lord,

'I have the honour to acknowledge the receipt of your Lordship's letter of the 25th inst., which reached me at a late hour last night.

If I were to act on the impulse of the moment, I should at once gratefully express my willingness to undertake everything which your Lordship suggests, for reasons, and under circumstances so flattering to me, and so gratifying to my feelings; but I have not been accustomed to consider legal reforms in reference to possession of office by myself, and I hesitate from a distrust which I feel, of my ability to perform the duties which would be required of me in a manner which I think adequate to their importance. May I hope that I am not taking too great a liberty in asking the indulgence of a little time for reflection? I shall be in town on Saturday night, and after that shall be anxious to wait on your Lordship whenever you may appoint.

I have the honour to be your Lordship's obliged and obedient servant,

H. Bickersteth.

Kentchurch Court, Hereford, Dec. 27th, 1835.'

To the above letter Lord Melbourne sent the following reply.

Panshanger, Jan. 1st, 1836.

"My dear Sir,

"I have this morning received here your letter of the 29th ult. I cannot do otherwise than highly appreciate the feelings which induce you to pause before you accept an offer which, to a man who has subdued within himself the more violent struggles of ambition, is perhaps the most advantageous that could be made.—The fact is, we are all placed in a situation of great difficulty and responsibility, and which requires much consideration. I shall be most anxious to converse with you upon the subject, and for that purpose will come to London on Sunday, and shall be happy to see you in South Street at three in the afternoon.

Believe me, my dear sir, yours ever faithfully,

Melbourne.

Henry Bickersteth, Esq."

"On my arrival at home on Saturday, the 2nd of January, 1836," continues Mr. Bickersteth, "I received Lord Melbourne's note of the 1st; and on the following day I waited on him.

He told me that Pepys had agreed to take the office of Chancellor, although he wished to postpone the time. I then said, that, upon consideration, I had so far come to a resolution, that if the office of Master of the Rolls were offered to me alone, I should venture to accept it; but that I could not feel disposed to take a seat in either House: that I was, on principle opposed to the union of judicial and political offices in the same person, I thought it wrong, and fit to be altered, in the case of the Chancellor; to make the union in the case of Master of the Rolls was, for the present at least, to increase the evil, instead of removing it. I thought it quite clear that the Master of the Rolls ought not to be a Member of the House of Commons; if active, he would act inconsistently with his judicial character: if inactive, he might neglect the interests both of his constituents, and of those who promoted him: and active or inactive, in the House he might have to adjudicate in his office, between his constituents and others. There was much less objection on public grounds to the House of Lords; there was less to do, less squabble and heat, but still the judicial office was sufficient to occupy the whole of any man's time, and there would be an union, though less close, of the judicial and political offices; and on private grounds I had strong objections: I had no adequate fortune to warrant me in taking an hereditary Peerage.

MELBOURNE.—You have no children, have you?

BICKERSTETH. — No; but I should not like to fear having children. The personal objection would be much less if the Peerage could be limited for life only.

Lord Melbourne thought that the King never would consent to make a Peer for life. He then said, that the King was very much pleased with the proposed arrangements, and willing to make me a Peer directly, &c. At the close he said, 'Your view is to consent to take the judicial office by itself; but not connected with a seat in either House?' I said, 'Exactly so.' Lord Melbourne replied, 'I must take a little time to consider of it, and will let you know.' I then said, 'Supposing that this subject may now be closed, I beg to return my best thanks for the very handsome and flattering manner in which I have been treated.' I then withdrew, thinking the whole matter at an end.

On Wednesday, the 6th, I saw Sutton Sharpe, to whom I communicated what had passed. He thought me entirely wrong in refusing the peerage; insisted that as Master of the Rolls with a peerage I should be able to contribute greatly to legal reform, &c.

After a very long conversation he left me in doubt whether I had done right, and I determined to see Mill on the subject. I talked with him in a day or two afterwards and found, somewhat to my surprise, that he agreed with Sharpe, and considered that I ought to have accepted the peerage. On the 10th of January I received Lord Melbourne's letter of that date.

South Street, Jan. 10th, 1836.

'My dear Sir,

'I am desirous of seeing you to-morrow morning, before twelve o'clock, and if it should be inconvenient to you to call, I may as well acquaint you that it is my object to learn, whether upon reflection you continue indisposed to undertake the House of Lords. You must be aware that this circumstance might make a very considerable difference, and must leave it questionable whether we could determine upon bringing forward so great a legal measure with so little certain Parliamentary assistance as we could there count upon. I should much prefer seeing you to-morrow, if possible, to receiving a written answer.

Believe me, my dear Sir, yours faithfully,

Melbourne.

H. Bickersteth, Esq.'

"I waited upon Lord Melbourne," so writes Mr. Bickersteth, on the 11th; "he began by asking whether my views had in any respect altered. I said they had; that on consideration, though my personal objections to the peerage had in no respect diminished, yet my difficulties might perhaps give way, if I could be persuaded that by means of it I should be able to render any useful assistance towards Law-Reform, and if I could be entirely free in politics.

LORD MELBOURNE.—What do you mean?

BICKERSTETH. — This is a subject on which there should be no ambiguity. There is nothing more hateful or more mischievous than a political judge, influenced by party feeling. In my opinion, he should be wholly free from all party bias; and if I, being a judge, am also to be in Parliament, it can only be on the clearest understanding that I am to be wholly free from any political and party tie; to put it strongly, as free under your Administration as if I had received my judicial appointment from your opponents.

To this, after silence for a few minutes, Lord Melbourne said gravely and with dignity,—'I understand you; I fully appreciate your motives, and I think you are perfectly right.'

He soon afterwards said, that the subject must be considered further; from which I understood that it was necessary to consult his colleagues.

Late in the evening of the same day, I received the following note from Lord Melbourne:—

Downing Street, Jan. 11th, 1836.

'My dear Sir,

'We should lament Campbell's resignation, and consider it a great loss; but we cannot now draw back; we are therefore determined, at all hazards, to proceed with our arrangement, and if you are ready to undertake the Rolls, we are ready to give it, upon the understanding which you so clearly expressed to me this morning. We can hardly dispense with your assistance in the House of Lords, but you must not consider yourself bound to give support politically.

Yours faithfully, Melbourne.

H. Bickersteth, Esq.'"

To this Mr. Bickersteth sent this answer.

12th January, 1836.

"My dear Lord,

"I beg leave to thank you most sincerely for the early information which you have been kind enough to give me.

If the peerage can be dispensed with, or even postponed, I shall feel great additional gratitude; but if required, and notwithstanding the reluctance and misgiving which I cannot satisfactorily overcome, I consent to accept it on the terms of perfect political independence, which your Lordship so liberally (and if I may presume to say it) so properly sanctions and approves.

I now await your orders, only wishing to add, that if the arrangement is settled, I ought, without any delay, to relieve myself from professional engagements, which cannot be continued without future inconvenience, and that I can take no steps for that purpose till I am released from the obligation of secrecy by which I consider myself bound. I remain, my dear Lord, your faithful and obliged servant, H. BICKERSTETH.

6, Craven Hill, Bayswater."

Lord Melbourne immediately replied,

South Street. Jan. 12th, 1836.

"MY DEAR SIR,

"I mean to-day to make one more attempt with the Attorney-General,* and then, whether it succeeds or fails, the arrangement must be declared.

Yours faithfully, MELBOURNE.

H. Bickersteth, Esq."

The above was followed by the following the next day.

Downing Street, Jan. 13th, 1836.

"MY DEAR SIR,

"All is settled. Sir John Campbell will remain. For the sake of public impression, and for the sake of legal reform we cannot let you off the House of Lords, so you have nothing to do but to settle your title.

Yours faithfully, MELBOURNE.

Henry Bickersteth, Esq."

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* It has been stated that Lord Melbourne felt great difficulty in passing over the claims of the Attorney-General, and when Mr. Bickersteth's nomination to the Rolls was announced, it was scarcely credited, though reports had been in circulation, from the very commencement of the Melbourne ministry, that he was to be promoted to the Woolsack. Sir John Campbell, however, gave way, rather than add farther perplexities to the Administration; and to attest their sense of his generosity, the Cabinet unanimously determined to request Lady Campbell to accept a peerage.

CHAPTER XXXIV.

MR. BICKERSTETH'S DISINTERESTED CONDUCT RESPECTING THE ROLLS HOUSE.—CONGRATULATIONS OF HIS FRIENDS.—SKETCH OF MR. MILL.—REVIEW OF MR. BICKERSTETH'S PRACTICE.—HIS HIGH INTEGRITY.—HIS OPINION AS TO REFUSING CAUSES.—HIS INDUSTRY.—A FAVOURITE AT THE BAR.—HIS SELF-SACRIFICING ADHERENCE TO PRINCIPLE.—INTERESTING STATEMENT OF HIS CLERK, MR. LE DIEU. — SKETCH BY A CONTEMPORARY.—IS SWORN OF THE PRIVY-COUNCIL.—CREATED BARON LANGDALE.

SIR JOHN COPLEY (now Lord Lyndhurst) was the first Master of the Rolls who did not reside in the Rolls House; before his time the Masters of the Rolls always made it their residence, and a very noble one it was. Sir John Leach, however, who greatly affected fashion, would never hear of living there; the situation he thought unfashionable, though he went to great expense in furnishing the reception rooms, and occasionally gave grand dinners there. In his time, the King's Bench Records began to be placed there, he having taken possession of the room at Westminster, where the Master of the Rolls still sits, but which was then appropriated for the custody of those records, so that a sort of exchange was made.* When Lord Langdale became Master of the Rolls, all the upper part of the house was full of records, so much so, that the floorings were supported by numerous strong props. He took the appointment with the understanding that he should not require the house for a residence.

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* When Sir John Leach began to sit in the morning during Term time, it was thought convenient for him to sit at Westminster, but no room for his court could at that time be found, but the one which was then occupied by records belonging to the King's Bench; to

The Rolls House and Chapel formed a portion of the property which anciently belonged to the "Domus Conversorum Judæorum," founded by King Henry III., in "Neustrate," now Chancery Lane (Rot. Cart. 16 Hen. III., m. 18), for Jews converted to Christianity. By this charter the King gave them seven hundred marks a-year, until he could provide otherwise for them, and he subsequently (Rot. Cart. 33 Hen. III., m. 7), gave to them all the houses, lands, rents, and tenements in London, which were forfeited as an escheat by Constantine, the son of Aluf, who was hanged for felony.

In this house, the Jews and Infidels who had been converted to the Christian faith resided, and were maintained, and instructed in the doctrine of Christ; over them there was a chief, who was called the Master of the Converts.

Though every encouragement was given to the conversion of the Jews, not only by King Henry, but by his son, King Edward I., yet very little progress was therein made; only those availed themselves of the advantages held out to them, who found it a more agreeable mode of maintenance than by work. The numbers of these dishonest men were, to the credit of their com-

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obtain that room he offered to allow the records of the King's Bench, to be sent to the Rolls House, which was accordingly done, and the room at Westminster was obtained for the Rolls Court in Term time.

munity be it spoken, very few; and the Jews being banished from the kingdom in 1290 (Pat. 18 Edw. I., m. 14), there could be very little need for such an establishment after that time, and accordingly King Edward III. (Rot. Pat. 51 Edw. 20) granted the house and premises to William Burstall, Clerk or Keeper of the Rolls of Chancery, as a place of residence for him and his successors in that office, and for the deposit of records under his charge.*

With reference to the future destination of the Rolls House, Lord Melbourne wrote as follows:—

South Street, Jan. 14th, 1836.

"My dear Sir,

"There is a matter which I ought to have mentioned to you before, and that is respecting the Rolls House in Chancery Lane. An arrangement had been made with Sir John Leach, by which those premises were to be given up to the public for a Record Office, and some accommodation at Westminster I believe was in return afforded to the Court, by the public. This arrangement by some accident or other, was never carried into effect, and it is proposed now to do so, for which purpose the house, &c., will be excepted out of your patent. I trust you will have no difficulty in acceding to this proposition.

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* The following is a complete list of the Masters of the House of Converts, while devoted to its original purpose :—

Josceus Fitz-Peter.
Adam de Cestreton.
Robert de Scardeburgh.
Walter de Agmodesham.
Henry de Bluntesdon.
Adam de Osgodeby.
William de Ayremynne.
Henry de Clyff.
Richard Ayremynne.
Thomas de la Ley.
John of St. Dennys.
Michael Wath.
John de St. Paul.
Thomas de Evesham.
John de Thoresby.
Henry de Ingleby.
William Burstall.

I should be glad if you would send me as soon as may be convenient, the title which you propose to take.

Believe me, my dear sir, yours faithfully,

MELBOURNE."

The following is the last letter that passed between Lord Melbourne and Mr. Bickersteth, on the subject of the Mastership of the Rolls and the peerage:—

Jan. 14th, 1836.

"MY DEAR LORD,

"Under the circumstances, I think that the Rolls House ought to be excepted out of the patent,* and, of

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* The Attorney-General, however, considered that it would not be legal or proper to do so, and the house and garden were therefore mentioned in the grant of the office to Mr. Bickersteth, but he always considered that he was under an obligation to interpose no personal claim of his own to the use of them. He considered that the property was vested in him as Master of the Rolls, in trust, and it was his duty to see that it was not applied otherwise than properly to the public use.

It may not be irrelevant to mention here, that the Judges of the Common Law Court, had long been in want of chambers for the business they have to transact for the public, and it was thought desirable that they should have a piece of the Rolls Garden, for a building to be erected for that purpose. Arrangements were accordingly made, and the sanction of the Treasury and the Board of Works was obtained before any communication on the subject was made to the Master of the Rolls. Lord Langdale felt that, though he had no personal interest in the matter, he had not been properly treated by the projectors of the plan, and he informed them that he considered it part of his duty to see most carefully what they were doing, for, though the building was about to be devoted to public purposes, yet, course, I have no objection, and as far as I am personally concerned, I ask for no compensation for the loss of a residence.

As to the perplexing subject of a title, I beg to propose Langdale, in the county of Westmoreland, if it has not been anticipated.

Your faithful and obliged,
HENRY BICKERSTETH."

The first person to whom Mr. Bickersteth communicated the news of his official advancement was Mr. James Mill, the celebrated author of the "History of British India," "Elements of Political Economy," the "Analysis of the Phenomena of the Human Mind," &c.

Mr. Mill was known as Mr. Bentham's most intimate friend, and one of those who earliest adopted and contributed most to diffuse the principal doctrines contained in Bentham's writings. His first great work, the "History of British India," at once established his fame as a thinker, a reasoner, and a scholar, and it may be truly said that it first threw the light of philosophy upon Indian affairs; that it was the beginning of sound thinking on the mode of governing India, and abounded in important incidental instruction on European institutions and politics; and if this work is not written with as flowing a pen as that of Robertson or of Hume, it bears upon its face the stamp of greater

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as the property was for the time entrusted to him, he must see that no part of it was applied to any purpose which might interfere with any more general application to the public use hereafter, and he proposed that he should have power given him by act of parliament to do what was desired.

fidelity, and may well be compared with the grave and severe History of Thucydides.

The fame of Mr. Mill, however, does not entirely rest upon that work. His " Elements of Political Economy " exhibited to the world the extraordinary logical powers of his mind. It was the first treatise which exhibited, though compendiously and in outline only, the whole of the subject at one view, arranged according to the natural relations of its parts.

In the " Phenomena of the Human Mind," Mr. Mill, in opposition to the tendencies of the Scotch and German schools of metaphysics, has carried on the analytical philosophy which Locke and Hartley had commenced, to the farthest point which it has yet attained.

He wrote several shorter pieces for the Supplement of the " Encyclopedia Britannica," which have been more than once reprinted, as " Essays on Government, Jurisprudence, Education," &c.; these, however, though they profess to be mere outlines to be filled up, yet have been more quoted and read, because less abstruse, than any of Mr. Mill's works, but his British India.

His more fugitive pieces which he contributed to periodicals are written with much earnestness, and considerable severity, for he never spared the vice he exposed. He was, however, inclined to look at the unfavourable side of human nature rather than at its more pleasing front.

Mr. Mill, in consequence of the publication of his elaborate History, was appointed to the Civil Service of the East India Company in 1819, and eventually became the head of the office which conducts the most important part of the correspondence of India. He was born in the year 1773, and died in 1836.

This is the man whom Mr. Bickersteth esteemed so highly, that he could not feel satisfied with the great step he had taken until he was supported by his favourable opinion, and who persuaded him to take the peerage in the hope of his being able to further legal reform. As soon as the arrangements were made, Mr. Bickersteth wrote the following letter to Mr. Mill:—

"My dear Sir,

"The arrangement is at last settled, and I am to be Master of the Rolls, with a seat in the House of Lords; entire political independence being perfectly understood.

I have had a severe struggle to make myself submit; and, without the support of your opinion, I scarcely think that I should have succeeded. As it is, I am not at all at ease, and whatever errors I may commit will certainly not arise from over-confidence. It will be a great comfort to me when I can have an opportunity of talking matters over with you: I shall endeavour to find one as soon as possible. I think that you will be much pleased with Lord M.'s conduct throughout this negotiation.

Don't mention this as from me till it is publicly announced, which, for aught I know, may be to-day.

I earnestly hope that your health continues to improve. If you can, let me have a line to that effect.

Ever truly, H. B.

Craven Hill, Jan. 14th, 1836.
Jas. Mill, Esq."

Mr. Mill replied in a brief note, expressing his gratification at the intelligence; and stated that he was satisfied that the seat in the House of Lords would add to his friend's means of usefulness.

Mr. Bell, his old master, wrote the following note of gratulation to him:—

Bedford Square, Jan. 14th, 1836.

"Dear Bickersteth,

"I believe I need not tell you I heartily rejoice in your advancement, both for your own sake and that of the public, to whom I know you will be most anxious to discharge your duty, so that I need not say a word to you on that head; though I can assure you that, next to yourself, no one can be more anxious that you should retain and augment upon the Bench that credit you have acquired at the Bar, and which has honourably raised you to your present station. I am most sorry I am unable to attend to see you take your seat, and congratulate you personally; but after Sir H. Halford had relieved me from a multiplicity of complaints, which had been hanging about me all the autumn, I was seized with violent cold which has been hanging about me ever since, and kept me a prisoner to the house,* though I hope it is now going, and I must endeavour to get out as soon as I can. The same cause has prevented my calling on your lady, to whom be so good as to make my apology, and present my best wishes for your future happiness, in which Mrs. Bell sincerely joins.

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* The illness alluded to terminated in Mr. Bell's death, about three weeks afterwards. Lord Langdale called to see him two or three days before his death, and sat some time by his bed-side. He was the last friend Mr. Bell saw.

I remain, dear Bickersteth, yours truly,

J. BELL.

I hope you will visit the North next summer: your countrymen will be highly pleased to see you."

To this note Mr. Bickersteth sent the following answer:—

"MY DEAR SIR,

"Be assured that no congratulations on this occasion can be more gratifying to me than yours.

It was you who first directed me to the sources of professional knowledge—you, who solved the difficulties which occurred to me in early practice—you, whose prevailing advice overcame the reluctance I felt to step within the bar,—you, therefore, are intimately associated with every part of my progress, and I will endeavour not to disappoint your expectations. Certainly I never can forget the kindness which I have always received from you. In the midst, however, of the congratulations which I receive from you and other friends, I confess that for the present the feeling of responsibility outweighs every other consideration in my own mind, and that I cannot yet feel so well satisfied as I could wish to be, that I have not undertaken a task too great for my ability.

I have been extremely concerned to hear of your illness, and most earnestly hope that you will soon be restored to health.

My wife thanks you for your good wishes, and joins in best respects to Mrs. Bell.

Ever faithfully yours,

H. Bickersteth.

Craven Hill, Jan. 20th, 1836."

The nomination of Mr. Bickersteth to the Mastership of the Rolls gave universal satisfaction to the bar and the public: the unsullied purity of his mind, the kindly and warm feelings of his nature, the sincerity of his principles, and the firmness of his purpose had made him popular as a man, estimable as a friend, and respected as an advocate.

His practice at the bar and in chambers was extensive. There was not a case of any magnitude or importance in which he was not engaged.

His high integrity of spirit, and disinclination to undertake a suit that had not some show of right—some justification for commencing or defending it, made him but an indifferent advocate in a bad cause;* but when his cause was good, or where there was oppression to

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* It has been said that the chief cause of Mr. Bickersteth's success was his *refusing* to undertake any cause that was not to his mind just and equitable; but that is a very unfair conclusion: it is true he did not prefer cases of a questionable character, and, indeed, disliked them; but he never *refused* them; for he held that a barrister was bound to lend his *exertions* to all who sought his aid, but *himself* to none. The fact of *refusing* to plead is, to a certain extent, judging the case, and creating a prejudice against the suitor, and thus the course of justice might be interrupted. The more respectable the advocate who shrinks from the defence, the greater will be the prejudice against the suitor.

Erskine's noble and manly speech, in his defence of Thomas Paine, expose, or mean and sordid actions to condemn, then was he eloquent and impressive, and commanded the attention of the Court. One of the causes of Mr. Bickersteth's deserved success, both within and behind the bar, was his extreme regularity in, and attention to, the business before him. He was never known to be absent from his seat when his cause was ready to be heard, or from his chambers during the business hours of the day, except to attend the Courts; and even during the long vacation — a period which most barristers devote to pleasure or recreation—he never absented himself from chambers for a longer time than a week, and even then he received daily communications from his clerk, relative to the work to be done; and on more than one occasion he returned to town, merely because he thought some matter, which might have been delayed without any loss whatever to his client, required his immediate attention; for he had laid it down as a rule never to be

cannot be brought before the world too often; he said, "From the moment that an advocate can be permitted to say that he will or will not stand between the Crown and the subject arraigned in the court, where he daily sits to practise, from that moment the liberties of England are at an end. If the advocate refuses to defend, from what he may think of the charge, or of the defence, he assumes the character of judge; nay, he assumes it before the hour of judgment; and in proportion to his rank and reputation, puts the heavy influence of, perhaps, mistaken opinion, into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very judge to be his counsel."

Johnson's reply to Boswell on this subject will occur to most persons. "What do you think," was the question, "of supporting a cause which you know to be bad?"—"Sir," replied Johnson, "you do not know it to be good or bad until the judge determines it."

departed from, that his own pleasure and ease were always to be made subservient to the interest or wants of his clients.*

There are letters upon letters from Sir Francis Burdett pressing him to take a run down into the country for the benefit of his health:—"Why," says he in one, "could you not bring your arrear of papers and make them up here? you could be quite undisturbed; no one would ask a word about you, whether you were here or not. You might even dine up stairs if you chose it."

His clerk, whom he had from boyhood, has informed me that during the whole time that he was with him, he never but once knew him break through the rule just mentioned, and that was during the Westminster election in 1818, to which reference has been already made, when his heart and soul were in the success of his friend; during the canvass, and at the polling, he was never absent from the Committee for insuring Sir Francis Burdett's return. The time, however, which he devoted to his friend, he took from his sleep; so that his clients' business was never once delayed an hour by his friendly offices.

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* The following little anecdote will show that he considered attention to business as the chief element of success at the bar, and that want of success frequently arose from want of attention, and being out of the way when business came.—"One day," says Mr. Le Dieu, "immediately after his departure from London, for his week's holiday during the long vacation, Mr. Bryan Holme, an old client, called to inquire if Mr. Bickersteth was in town, as he wished him to draw a bill for him. I said that he was out of town, but would return immediately on receiving a communication from me. 'Oh, no, I will not have him called back for a trifle like this,—he does not often take a holiday,—now, don't write to him, and I will find some one else to do it.' I did not, therefore, communicate to Mr. Bickersteth, Mr. Holme's visit; but on his return I told him what had passed. He gave me a gentle reproof for not writing, and concluded, saying, 'Remember, though it was of no consequence to Mr. Holme, whether I or some one else drew the bill, yet it might be of much importance to me and to you too.'"

Besides his unremitting attendance at chambers, his industry there was of the most persevering description; as the clock struck nine he was invariably at his desk, either "drawing" or studying his case, and preparing data for his argument. His habit was to read through every case that was reported, which bore upon, or had any analogy to that before him—noting every shade of variation in the decision, as well as the minutest difference in the points—all of which he wrote out. This, in heavy or complicated causes, was a long process, yet he accomplished it with comparative rapidity. The result frequently extended to a mass of manuscript: and of this he made a series of analyses, narrowing the whole into the smallest compass, generally in a tabular form. The consequence of this was, that he had every point of his case at his fingers' end, and never had occasion to look at his brief either at consultation or in court.

I have already alluded to his liberal politics being a bar to his success for some time; many a brief went into other hands, and many a bill was drawn up by others, which would have been given to him by solicitors who knew his value, but were afraid of giving offence to their own clients by employing such "a horrid radical." Nothing, however, could deter him from what he considered the right course, and his integrity, zeal, and learning, triumphed in the end over vulgar prejudice, persecution, and intolerance. Solicitors and clients soon felt it their interest to employ a man, who, they knew, would not desert them in the time of need, nor be tempted away for a more lucrative case.

He soon got to be a favourite with the members of the bar: his uprightness gained him respect, and his affability made him friends, while his appearance prepossessed the stranger in his favour. He was always one of the earliest in Court, and his presence generally attracted a crowd around him; he could afford to devote the short time before the Court opened to the pleasures of friendly intercourse and greetings, for he had made himself master of his case, and had not to get it up, or read his papers at the twelfth hour.

Before Mr. Bickersteth was called within the bar, he usually practised in all the Chancery Courts, as well as in Exchequer, and before the Houses of Parliament; and for a short time after he was made King's Counsel, he followed the same practice; but he found that he could not, as a leader, continue to do so, and do justice to his clients, and he, consequently, determined to confine himself entirely to the Rolls Court; in carrying this out, he lost an income of at least two thousand pounds per annum: for, during the first two years of his career as a King's Counsel, he made upwards of six thousand pounds a-year, and when he gave up all other practice but at the Rolls, his income fell to four thousand pounds per annum.

In abiding by his determination he gave offence to some of his best clients, but he was not to be moved from his resolution: a single instance may show that temptations were placed in his way which few men could have resisted. Both as a junior and a leader, he had been engaged in the celebrated case of "Small and Attwood," an Exchequer cause; he had carried his clients safely through hair-breadth 'scapes and difficulties. A new point had arisen after Mr. Bickersteth had retired from the Exchequer practice. The solicitors, nevertheless, brought their papers to his chambers, but they were refused—they would not take a denial, and desired the clerk to request his master to mark his own fee upon the brief; it was of vital importance to secure his services: the clerk still declined to take the papers. "Tell Mr. Bickersteth," said they, "he shall have the same fee as the other side has given to Sir Edward Sugden—three thousand guineas!" The clerk was tempted to take in the papers, and lay them before his master, with a statement of the circumstances of the case; but Mr. Bickersteth was not to be bribed by three thousand guineas to act contrary to his conscience. The papers were returned with thanks for the intended liberality, and his clerk again enjoined never to take in papers, whatever might be the amount marked upon the brief, which would take him out of the Rolls Court. It may here be stated that Mr. Bickersteth highly disapproved of all special retainers, saying, they gave the rich man an undue advantage over the poor one.

I have had occasion to allude to Mr. Bickersteth's kindness to those about him; and as I am now speaking of him during his career at the bar, it will not be out of place to mention his amiable and benevolent conduct to Mr. Le Dieu, his clerk, for whom he entertained almost parental affection. I cannot do better than give Mr. Le Dieu's own words, as they evidently came from his heart, and—why should I hesitate to say it?—were accompanied with tears—tears of manly sorrow at the loss of his earliest and best friend.

"When I entered his service I was a boy between fifteen and sixteen, and as careless, idle, and mischievous as any one of my age. Abhorring idleness himself, he would not tolerate it in others. I thought him very rigorous in keeping me so close to occupation; gradually I grew into the habit of it, and liked it. I had received scarcely any education, and he kept me constantly employed, with a view not only to make me a useful clerk, but to impart knowledge to me. He made me copy precedents to try my hand, first at drawing the interrogatory parts of a bill, then I was put to more ambitious attempts; I was made to try my hand at drawing: I am amazed when I recall to mind my dear master's unconquerable patience with my futile, inane attempts. He could have done the thing twice or thrice whilst he was trying to aid my abortive attempts, and had to do it himself after all. In the mean time, and at all leisure opportunities, he taught me arithmetic, and I should have gone on to algebra, but his increasing business left no leisure for further improvement. My salary was small at first, and once when I complained of it, he said, with all the straightforward frankness that was so natural to him, 'I would make your place more profitable, but I have not much money myself.' This to a mere boy! In 1823 I made up my mind to marry, and told Mr. Bickersteth of my intention. He was rather curt in his manner on this occasion. I felt hurt, and I have no doubt he observed it. In the evening he recurred to the subject, and said, 'It may be the best thing for you; it will keep you steady, and insure your happiness, and that, to some extent, is in my care and keeping; but I shall not be satisfied until I see your intended wife; will you introduce me to her?'

Never shall I forget the interview which followed; had my intended wife been a duchess he could not have received her with more politeness; his kind demeanour made her feel instantly at perfect ease. After explaining to her my present income and probable expectations, and pointing out to her the necessity of economy with my limited means, he said, 'I will do all I can in assisting to make you happy, for I do not look upon Mr. Le Dieu as my clerk merely, I consider him my friend;' and after she had taken her leave he called me, and said, 'Your choice does you credit; give this, with my kind regards, to the young lady;' and he put into my hands a fifty pound note.

My words are inadequate to tell of his kindness throughout the whole of my married life, or of his sympathizing benevolence and assistance on the death of my wife. He had my grateful love before, and I know not then how to characterize my feelings; I have never felt the like for human being since."

When fatigued with the severe studies of his profession, he used to relieve his mind by studying mathematics, or reading general literature: Shakspeare and

Milton were his favourite authors; some portion of the Bible and Paradise Lost he read aloud every day.

I am indebted to a courteous and kind friend for the following graphic sketch of Mr. Bickersteth's character at the bar.

" As an advocate, Mr. Bickersteth could not be considered eloquent, or even fluent. He possessed, however, great advantages. He was ever master of his case, and quick in detecting the weak points of his adversary's; he seldom interrupted, but quietly and attentively watched the argument, and the impression it appeared to make on the Court; weak and unsound points in his client's case he never pressed, but contented himself with bringing the strong points before the attention of the Court, which he illustrated by his close, vigorous, dialectic style of reasoning, that kept the judgment of the Court suspended for a time.

To argue against Mr. Pemberton Leigh was no easy task, and to succeed in the encounter before such judges as Sir John Leach and Lord Cottenham, would be high praise; and yet I have been a witness of his success on more than one occasion, and on very doubtful and difficult points.

In his intercourse with the lower branches of his profession, he was courteous, although somewhat stately and reserved. His manner repelled familiarity without giving offence; but in his social intercourse with friends, with whom he could unbend himself—and I have frequently been witness to it before his marriage —he was a delightful companion. His merry, hearty laugh at that time rings still on my ears, and I hear the vigorous scrub on his beard and face which always attended the explosion. At that time he was an ardent politician (1819 to 1822), and took the liberal side, when to do so was almost to despair of success and advancement in his profession.

The general impression he has left on my mind is that of a thoroughly honest man, of vigorous intellect, kind and generous nature, with a disposition bordering on morbid susceptibility.

'His saltem accumulem donis, et fungar inani munere.'"

Mr. Bickersteth was sworn in as a member of the Privy Council, on the 16th of January, and on the 19th of that month his Majesty was pleased to constitute and appoint him "Master or Keeper of the Rolls and Records in Chancery, the same being vacant by the surrender of the Right Honourable Sir Charles Christopher Pepys, Knight, now Chancellor of Great Britain."

The King, on the same day, was also pleased to direct Letters Patent to be passed under Great Seal, granting the dignity of a Baron of the United Kingdom of Great Britain and Ireland to him and the heirs male of his body, lawfully begotten, by the name, style, and title of* Baron Langdale of Langdale, in the county of Westmoreland. The patent bears date 23rd of January, 1836.

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* The title of Baron Langdale was conferred on the 4th of Feb. 1658, by King Charles II, during his exile, on Sir Marmaduke Langdale, well known for his deeds of arms, and his great losses on behalf of the royal cause. The designation of that family was Baron Langdale of Holme in Spaldingmore, in the county of York. The title became extinct in 1777. The bearings of this family were,—Arms: Sable, a cheveron between three estoiles argent; Crest: on a wreath

He took his seat at the Rolls Court on Tuesday the 19th of January, at half-past ten o'clock in the morning, having previously accompanied the new Chancellor into the Court of Chancery, to be present when he took the oaths of allegiance and supremacy.

On Thursday, the 4th of February following, being the first day of the Session, he took his seat in the House of Lords, having been introduced by the Lord Glenelg and the Lord Denman, and he was the same day appointed one of the Committee to prepare the Address to the King, in reply to his Majesty's Speech, and was afterwards named in the Royal Commission (dated 4th March, 1836), to give assent to Bills.

of the colours, an estoile as in the arms. Supporters: on either side a bull sable, armed and unguled argent.

Those of Langdale of Langdale in Westmoreland are thus blazoned,—Arms: Argent, on a cross flory sable five mullets or; a chief azure, thereon three roses of the third. Crest: on a wreath of the colours, a dexter arm embowed in armour proper garnished or; about the elbow a wreath of oak vert, in the hand a roll of paper proper. Supporters: on the dexter side, an emblematical figure intended to represent Fortitude, vested or, the zone and sandals gules, mantle azure, her exterior arm resting on a Tuscan column proper; and on the sinister a like figure intended to represent Prudence, vested azure, the zone, mantle, and sandals gules, in the exterior hand a mirror entwined by a serpent proper.

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